

23 SEPTEMBER 1947

I N D E X  
of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
SAWADA, Shigero (resumed)	29021
Direct by Mr. Cole (cont'd)	29023
(Witness excused)	29028
TANAKA, Ryukichi (recalled)	29030
Direct by Mr. Lazarus	29030
Cross by Mr. Keenan	29046
<u>MORNING RECESS</u>	29050
Cross (cont'd) by Mr. Keenan	29050
Question by the President of the Tribunal, Sir William Webb	29051
Question by the President of the Tribunal, Sir William Webb	29056
Redirect by Mr. Lazarus	29057
Questions by the President of the Tribunal, Sir William Webb	29057
(Witness excused)	29064
Spinks, Charles Nelson, Dr.	29072
Direct by Mr. G. Williams	29072
<u>NOON RECESS</u>	29076

23 SEPTEMBER 1947

I N D E X  
of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
Spinks, Charles Nelson, Dr. (cont'd)	
Cross by Brigadier Quilliam	29081
Question by the President of the Tribunal, Sir William Webb	29083
Redirect by Mr. G. Williams	29084
(Witness excused)	29085
Millard, Francis R.	29085
Direct by Mr. G. Williams	29085
Cross by Brigadier Quilliam	29089
Redirect by Mr. G. Williams	29094
(Witness excused)	29094
ISHIWATA, Sotaro (recalled)	29099
Direct by Mr. G. Williams	29099
(Witness excused)	29104
MATSUKI, Tamotsu (recalled)	29105
Direct by Mr. G. Williams	29105
(Witness excused)	29111



23 SEPTEMBER 1947

I N D E X  
Of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
<u>AFTERNOON RECESS</u>	29111
TAKAKURA, Tadashi	29115
Direct by Mr. G. Williams	29115
(Witness excused)	29126
MURAKAMI, Kyoichi	29132
Direct by Mr. G. Williams	29132
(Witness excused)	29136
OBATA, Tadayoshi	29137
Direct by Mr. G. Williams	29137

23 SEPTEMBER 1947

I N D E X  
of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2566	3206		Affidavit of TANAKA, Ryukichi		29041
2584	3207		Affidavit of Dr. Charles Nelson Spinks		29072
2591	3208		Affidavit of Francis R. Millard		29086
2521	3209		Affidavit of ISHIWATA, Sotaro		29100
2526	3210		Affidavit of MATSUKI, Tamotsu		29105
2527	3211		Affidavit of TAKAKURA, Tadashi		29115
	3212		Volume I of the Inter- rogation of HOSHINO	29127	
606-A-1	3212-A		Excerpt therefrom		29127
2073	3213		Affidavit of MURAKAMI, Kyoichi		29132
2592	3214		Affidavit of OBATA, Tadayoshi		29139



23 SEPTEMBER 1947

I N D E X  
of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2566	3206		Affidavit of TANAKA, Ryukichi		29041
2584	3207		Affidavit of Dr. Charles Nelson Spinks		29072
2591	3208		Affidavit of Francis R. Millard		29086
2521	3209		Affidavit of ISHIWATA, Sotaro		29100
2526	3210		Affidavit of MATSUKI, Tamotsu		29105
2527	3211		Affidavit of TAKAKURA, Tadashi		29115
	3212		Volume I of the Inter- rogation of HOSHINO	29127	
606-A-1	3212-A		Excerpt therefrom		29127
2073	3213		Affidavit of MURAKAMI, Kyoichi		29132
2592	3214		Affidavit of OBATA, Tadayoshi		29139

1 Tuesday, 23 September 1947

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE R. B. PAL, Member  
15 from India, not sitting from 0930 to 1600.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 - - -

19 (English to Japanese and Japanese  
20 to English interpretation was made by the  
21 Language Section, IMTFE.)  
22  
23  
24  
25



K  
n  
a  
p  
p  
&  
K  
a  
p  
l  
e  
a  
u

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 S H I G E R O S A W A D A, recalled as a witness  
4 on behalf of the defense, resumed the stand and  
5 testified through Japanese interpreters as follows:  
6

7 THE PRESIDENT: With the Tribunal's permission  
8 the accused SHIRATORI will be absent from the court-  
9 room for the whole of the morning session, conferring  
10 with his counsel.

11 Mr. Cole.

12 MR. COLE: The questions I have, Mr. Presi-  
13 dent, are few and constitute additional direct examina-  
14 tion of this witness.

15 THE PRESIDENT: Mr. Cole, whom do you repre-  
16 sent?

17 MR. COLE: General MUTO, sir.

18 THE PRESIDENT: The accused MUTO is mentioned,  
19 of course? I am thinking of the order. Really you  
20 should have preceded the learned Chief of Counsel, or  
21 Mr. Sutton, was it?

22 MR. COLE: At the time we finished yesterday  
23 afternoon there had been no examination beyond the  
24 affidavit proper.  
25

1 THE PRESIDENT: Very well, then. In those  
2 circumstances you are quite right. The mistake is  
3 mine.

4 MR. COLE: Thank you.  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



## 1 DIRECT EXAMINATION (Continued)

2 BY MR. COLE:

3 Q Mr. Witness, so far as you can, please give  
4 the reasons why the General Staff wanted to choose  
5 German as mediator between Japan and China.

6 A In order to bring about peace between China  
7 and Japan, there were two methods open to us: one,  
8 to try to settle matters directly; two, to try to  
9 get a third party as mediator.

10 At the time military representatives of Japan  
11 and China were carrying on secret negotiations direct-  
12 ly at Hong Kong, but these negotiations were not  
13 proceeding very successfully. Therefore it was our  
14 earnest desire to obtain the good services -- the good  
15 offices of a third party.

16 At the time of the ABE Cabinet a plan was drawn  
17 up whereby Japan would seek the aid -- the good offices  
18 of Great Britain. This plan was approved by the General  
19 Staff and also by Imperial Headquarters. However,  
20 because of the circumstances then prevailing, this  
21 plan finally came to naught.

22 At the time of the YONAI Cabinet another plan  
23 was discussed whereby Japan would seek the good offices  
24 of America. This plan also finally came to nothing.  
25 In the meantime Germany gained sweeping victories and

1 the entire world situation underwent a great change.

2 MR. SUTTON: If it please the Tribunal, I  
3 respectfully suggest that this is quite beyond the  
4 scope of the direct examination.

5 THE PRESIDENT: That could be so.

6 MR. SUTTON: The witness is testifying to  
7 things as to which obviously he could not have any  
8 personal knowledge.

9 THE PRESIDENT: We have been allowing witnesses  
10 to testify from hearsay. Very much hearsay has been  
11 admitted on both sides; and as to the scope of the  
12 affidavit, this is further examination really, which  
13 means additional material.

14 There is, as I am reminded, another ground,  
15 not taken, that this refers to the general phase.  
16

17 MR. COLE: If your Honor please, in the affi-  
18 davit proper it was stated, without objection, that  
19 there was a strong desire to make an alliance with  
20 Germany. It is my purpose in this question to bring  
21 out that it was not an alliance so much as the help  
22 of Germany that was asked for.

23 THE PRESIDENT: That does not affect the  
24 accused MUTO more particularly. That also is general  
25 matter, and I am not sure that it is not repetitive.  
The point has been made time and again and was made



1 yesterday.

2 By a majority the question is disallowed.

3 BY MR. COLE (Continued):

4 Q Mr. Witness, do you recall a visit to Japan  
5 by the Emperor of Manchukuo in the summer of 1940?

6 A Yes.

7 Q If you know, at the time the YONAI Cabinet  
8 fell and immediately prior thereto where was the  
9 Emperor's visiting party?

10 THE PRESIDENT: How is that relevant, Mr.  
11 Cole? We see no connection between the Emperor's  
12 visiting party and the accused MUTO yet. There may be.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 MR. COLE: I hope to show through this wit-  
2 ness, if possible, General MUTO's absence from Tokyo  
3 and his complete disconnection with the events pre-  
4 ceding the YONAI Cabinet's fall.

5 THE PRESIDENT: You want to prove an alibi,  
6 as it is called. Proceed to question on that basis.

7 Q Will the witness answer, please?

8 A According to my recollection the Emperor of  
9 Manchukuo arrived in Tokyo around the end of June  
10 and stayed there until the beginning of July and then  
11 for some time thereafter visited various parts of  
12 Japan.

13 THE INTERPRETER: Correction: The Emperor  
14 of Manchukuo reached Japan, reached Tokyo, either  
15 around the end of June or the beginning of July, and  
16 then, after staying there for some time, toured  
17 various parts of Japan.

18 Q Can you state whether the Emperor and his  
19 party were in Japan at the time the YONAI Cabinet fell?  
20 I should say, rather, in Tokyo.

21 A It was in the beginning of July that I re-  
22 turned to Tokyo from China. At that time the Emperor  
23 had already left Tokyo and therefore he was not in  
24 Tokyo at the time the YONAI Cabinet fell.

25 Q Do you know whether General MUTO was a



1 member of the Emperor's party?

2 A I do not know whether he accompanied him on  
3 that occasion. However, it is but natural that  
4 important officials from the War Ministry should  
5 accompany the Emperor on such a visit.

6 Q At the time you talked with Lieutenant General  
7 ANAMI, shortly prior to General HATA's resignation,  
8 did you talk to any other officials in the War  
9 Ministry about it?

10 A I talked only with Vice-Minister of War  
11 ANAMI on this problem, and talked with no one else  
12 about it.

13 Q And can you fix more exactly the date on  
14 which you handed the letter to General HATA?

15 A I do not remember the date exactly.

16 Q Do you know the exact date when War Minister  
17 HATA handed in his resignation?

18 A I believe it was either the 16th or 17th of  
19 July that General HATA handed in his resignation.  
20 However, I am really not sure on this point.

21 MR. SUTTON: May it please the Tribunal, the  
22 prosecution does not desire to cross-examine this  
23 witness.

24 THE PRESIDENT: He is released on the usual  
25 terms.

(Whereupon, the witness was excused.)

1  
2 MR. KEENAN: Mr. President, the prosecution  
3 respectfully requests permission of the Court for the  
4 recall of Admiral YONAI for the purpose of putting to  
5 him a very few questions for reasons that I will state  
6 very briefly, if permitted.

7 THE PRESIDENT: The English version of his  
8 affidavit was referred to the Language Section for re-  
9 vision. Perhaps we should hear the result in the  
10 meantime, before we hear you, Mr. Chief of Counsel.  
11 The amendments, if any, of the translation may neces-  
12 sitate the recall of the witness, although, as he  
13 does not speak English, that is not likely.

14 MR. KEENAN: In the event that he is not so  
15 required, with great respect the prosecution repre-  
16 sents earnestly to the Court that the questions will  
17 be very brief, the reason for their being put quite  
18 apparent, and they will have a material effect upon  
19 the issues of this trial.

20 THE PRESIDENT: If some new material has  
21 come to light, something that was not available to  
22 the prosecution before, there can be no question.

23 Mr. Lazarus.

24 MR. LAZARUS: Mr. President, I did not wish  
25 to interrupt the Chief Prosecutor, Mr. Joseph Keenan,



1 but I had hoped to state to the Tribunal that we  
2 wanted the witness SAWADA to step down only tempo-  
3 rarily. We think we will have a certificate with  
4 reference to the letter from the First Demobilization  
5 Bureau, and may recall him to the stand later this  
6 afternoon, sir. If we return him, sir, it will only  
7 be to allow the prosecution to cross-examine, if the  
8 letter should be accepted after our certificate is  
9 introduced. We do not want any more questions.

10 The next witness will be TANAKA, Ryukichi.

11 DIRECT EXAMINATION

12 BY MR. LAMARCA:

13 Q. Is that your affidavit, General TANAKA?

14 A. Yes.

15 Q. Is everything in it true and correct?

16 A. That is true and correct.

17 MR. LAMARCA: I now offer in evidence the

18 First Document 370.

19 THE PRESIDENT: Mr. Chief of Counsel.

20  
21  
22  
23  
24  
25

1 R Y U K I C H I T A N A K A, recalled as a wit-  
2 ness on behalf of the defense, having been  
3 previously sworn, testified through Japanese  
4 interpreters as follows:

5 MR. LAZARUS: May the witness be shown  
6 document 2206?

7 (Whereupon, a document was handed  
8 to the witness.)

9 THE PRESIDENT: You are still on your former  
10 oath, Witness.

11 DIRECT EXAMINATION

12 BY MR. LAZARUS:

13 Q Is that your affidavit, General TANAKA?

14 A Yes.

15 Q Is everything in it true and correct?

16 A They are true and correct.

17 MR. LAZARUS: I now offer in evidence de-  
18 fense document 2206.

19 THE PRESIDENT: Mr. Chief of Counsel.

20  
21  
22  
23  
24  
25



G  
r  
e  
e  
n  
b  
e  
r  
g  
&  
B  
a  
r  
t  
o  
n

1 MR. KEENAN: Mr. President, the prosecution  
2 objects to the following parts of this first affi-  
3 davit of General TANAKA, defense document 2206:

4 In the first paragraph, the second sentence,  
5 on the ground that the above sentence states merely  
6 conclusions and inferences of the witness.

7 THE PRESIDENT: The second sentence reads,  
8 "I am one of his friends who knows him best."

9 MR. KEENAN: I beg the Court's pardon: the  
10 third sentence. Objection is made to the whole of  
11 the second paragraph on the ground that there is  
12 available more substantial evidence, and this is the  
13 type of hearsay that should be disregarded.

14 Objection is made to the entire paragraph  
15 starting on the last part of the first page and end-  
16 ing with the words "outlying post."

17 Objection is made to the first paragraph on  
18 page 2 on the ground that it contains multiple con-  
19 clusions of the witness and does not constitute  
20 statement of fact; and the second paragraph on page  
21 2 for the same reason as stated above.

22 The third paragraph on the second page be-  
23 cause it contains unwarranted assumptions of matters  
24 not in evidence;

25 The fourth paragraph on page 2 on the ground

1 it contains assumptions and conclusions of this wit-  
2 ness and a statement of fact that must have been  
3 without his personal knowledge as appears by the  
4 matters therein concerned;

5 The last sentence of the fifth paragraph on  
6 page 2;

7 The prosecution moves to strike out the last  
8 sentence of the paragraph on page 3 which began on  
9 page 2.

10 The prosecution moves to strike the entire  
11 last paragraph of this affidavit. It has to do with  
12 the experience of General HATA when a young officer  
13 studying in Germany which, it is respectfully sub-  
14 mitted, is far beyond the confines of this trial.

15 For the reasons stated, Mr. President, the  
16 prosecution asks that the entire affidavit at this  
17 time be rejected with instructions to recast it and  
18 draft it to make a fair proportion germane and perti-  
19 nent to some of the issues of this cause.

20 THE PRESIDENT: Mr. Lazarus.

21 MR. LAZARUS: Mr. President and your Honors,  
22 before I take up, point by point, the objections of  
23 the Chief Prosecutor, Mr. Keenan, I would like to  
24 give this background to the Tribunal.

25 THE PRESIDENT: Deal with each point.



1 MR. LAZARUS: General TANAKA says that, at  
2 the time that he relates these matters, he was a  
3 member of the War Ministry. Therefore, the general  
4 observation that some of these matters may have been  
5 beyond his personal knowledge holds no water.

6 With reference to the second paragraph, that  
7 it contains hearsay matter, Mr. President, just a  
8 few minutes ago you, yourself, stated that much hear-  
9 say has been taken in on both sides. For an entire  
10 month this witness has introduced evidence on behalf  
11 of the prosecution in substantially the same manner,  
12 giving the exact type of information that he is giv-  
13 ing here, sir. In that second paragraph, if the  
14 Tribunal will please follow me, I have circled the  
15 second sentence beginning, "The question of" down to  
16 the words, "General Staff" -- that middle sentence.

17 THE PRESIDENT: You cannot prove the contents  
18 of a letter by hearsay.

19 MR. LAZARUS: That's correct, Mr. President.  
20 That is why I say I have circled that to be omitted --  
21 the middle part of that paragraph. The remainder of  
22 the paragraph contains no reference to the letter,  
23 Mr. President, and contains statements that were  
24 made directly to the witness, which are not hearsay.

25 In reference to the last paragraph on the

1 first page, there is no reason assigned. He simply  
2 stated that it ought to be stricken. Allegations  
3 have been made in the Indictment and at other times  
4 during the trial that all these accused, including  
5 General HATA, are conspirators and aggressors, Mr.  
6 President. This is evidence, if the Tribunal please,  
7 which definitely contradicts any tendency towards a  
8 conspiracy and, certainly, against aggression against  
9 the United States and Great Britain.

10 The second full paragraph on the second page,  
11 beginning "Although HATA was" down to "the Emperor  
12 TAISHO," I agree, refers to the letter and should  
13 be stricken in conformity with your decision yester-  
14 day.

15 With reference to the next paragraph, "With  
16 reference to General HATA's belief," etc., Mr. Chief  
17 Prosecutor has stated that there is no material of  
18 that type in evidence. Only this morning the SAWADA  
19 affidavit contained the exact same facts, Mr. Presi-  
20 dent, and this is confirmation from another source  
21 that General HATA did reduce the troops in China  
22 from 900,000 to 600,000.

23 Mr. Keenan wishes me to state that he an-  
24 nounced to me yesterday that he would make these  
25 objections, which is perfectly correct; and I also



1 wish to add that for a full week there has been quite  
2 a bit of cooperation on both sides in making agree-  
3 ments as to what should or should not be stricken,  
4 but there were more objections than we had agreed to,  
5 Mr. Keenan.

6 The next to the last paragraph on page 2,  
7 beginning with "In 1940," is stated by Mr. Chief  
8 Prosecutor to be without the knowledge of the witness.  
9 It is very definitely within the knowledge of the  
10 witness, Mr. President, because he states that he  
11 was a member of the War Ministry during this period.

12 On page 3, the last sentence of that first  
13 paragraph, "However, not long after ...." --

14 THE PRESIDENT: Doesn't Mr. Keenan object  
15 to the part beginning "If General HATA had remained  
16 in office"?

17 MR. LAZARUS: This witness had been the one  
18 who had been carrying on the negotiations. He would  
19 certainly be competent to say whether or not, in his  
20 opinion, Mr. President, had General HATA stayed in  
21 office, the treaty would have been successfully con-  
22 cluded. At any rate, sir, the last sentence should  
23 stay.  
24

25 In the last paragraph we give to this Tribunal  
the background of what caused General HATA to carry

1 on throughout his life an antipathy towards any al-  
2 liance with the Germans. The matter is not improper,  
3 sir. If the Tribunal will remember, our friends in  
4 the Russian prosecution went back to 1904, and the  
5 President stated at that time, when we objected,  
6 "It may be used to show a course of action or a trend  
7 in action," and this is the same here, sir, I very  
8 respectfully submit. At all events, if the Tribunal  
9 please, in the middle of the paragraph, beginning  
10 "In 1941, when he was Commander in Chief of the  
11 Japanese forces," certainly that is evidence, what  
12 he did in 1941.

13 THE PRESIDENT: The Russians weren't allowed  
14 to go back to 1904 to prove the type of education  
15 that any individual got or what that individual's  
16 tendency was. That is the sort of thing we are  
17 examining now.

18 MR. LAZARUS: Well, then, Mr. President,  
19 beginning with the words "In 1941, when he was Com-  
20 mander in Chief," this answers the very question  
21 that the President of the Tribunal and one of his  
22 colleagues asked yesterday of the witness, OIKAWA.  
23 This is direct evidence, sir.

24 THE PRESIDENT: I must remind you that a  
25 Judge may ask a question which could not be answered



1 on throughout his life an antipathy towards any al-  
2 liance with the Germans. The matter is not improper,  
3 sir. If the Tribunal will remember, our friends in  
4 the Russian prosecution went back to 1904, and the  
5 President stated at that time, when we objected,  
6 "It may be used to show a course of action or a trend  
7 in action," and this is the same here, sir, I very  
8 respectfully submit. At all events, if the Tribunal  
9 please, in the middle of the paragraph, beginning  
10 "In 1941, when he was Commander in Chief of the  
11 Japanese forces," certainly that is evidence, what  
12 he did in 1941.

13 THE PRESIDENT: The Russians weren't allowed  
14 to go back to 1904 to prove the type of education  
15 that any individual got or what that individual's  
16 tendency was. That is the sort of thing we are  
17 examining now.

18 MR. LAZARUS: Well, then, Mr. President,  
19 beginning with the words "In 1941, when he was Com-  
20 mander in Chief," this answers the very question  
21 that the President of the Tribunal and one of his  
22 colleagues asked yesterday of the witness, OIKAWA.  
23 This is direct evidence, sir.

24 THE PRESIDENT: I must remind you that a  
25 Judge may ask a question which could not be answered

1 in any examination in chief. A Judge can ask any  
2 question that a cross-examiner may ask. You can  
3 elicit in cross-examination matters which could not  
4 be included in examination in chief.

5 MR. LAZARUS: Mr. President, I offer no ob-  
6 jection to any questions asked by the Tribunal. On  
7 the contrary, I am trying to be helpful to the Tri-  
8 bunal and point out that, when it was wondered whe-  
9 ther this witness went to anyone else's office,  
10 here is the answer that, indeed, the witness did go.  
11 I agree that the first part could be stricken; but,  
12 certainly, the part starting "In 1941" showing that  
13 HATA, in order to avoid war, sent his personal  
14 emissary to Tokyo to ask them to avoid it is good  
15 evidence, sir, and this witness has direct knowledge  
16 of that fact.

17 THE PRESIDENT: A majority of the Tribunal  
18 sustained so many of the objections that the docu-  
19 ment will be emasculated if it is left in its present  
20 condition. Therefore, we suggest to you strongly  
21 to withdraw it and put in only the matters which  
22 we hold are admissible. We shall indicate those.

23 MR. LAZARUS: Yes, sir.

24 THE PRESIDENT: We suggest the witness be  
25 stood down until we meet and indicate just the parts



1 which should be omitted.

2 MR. LAZARUS: He has another affidavit, Mr.  
3 President. We can proceed with the next one.

4 May the witness be shown document 2566?

5 (Whereupon, a document was handed  
6 to the witness.)

7 BY MR. LAZARUS (Continued):

8 Q Is that your affidavit?

9 A Yes, it is.

10 MR. LAZARUS: I offer in evidence 2566.

11 THE PRESIDENT: Mr. Chief of Counsel.

12 MR. KEENAN: Mr. President, the prosecution  
13 objects to only the last two paragraphs of this sec-  
14 ond affidavit on the ground that both contain, in  
15 substance, in their practical entirety testimony that  
16 could not be within the personal knowledge of this  
17 witness but constitute mere conclusions and, in one  
18 instance, comes dangerously close to, if not actually,  
19 forswearing the issue.

20 MR. LAZARUS: These are not conclusions on  
21 the part of the witness, Mr. President. I again  
22 remind the Tribunal that this witness was a member  
23 of the War Ministry at the time these events took  
24 place and does have knowledge. For over a month  
25 this witness testified in the same vein for the

1 prosecution. Now he has information of value to  
2 one of the accused and the prosecution sees fit to  
3 object.

4 THE PRESIDENT: We will discuss the prosecu-  
5 tion's objections on their merits. We will not dis-  
6 cuss the prosecution's motives.

7 MR. LAZARUS: In the first of the two para-  
8 graphs objected to he states, in the middle, that the  
9 General Staff feared that General HATA would not  
10 carry out the instructions. That is definite evi-  
11 dence that General HATA was not in favor of trying  
12 these people by military law.

13 THE PRESIDENT: Was TANAKA on the General  
14 Staff at that time?

15 MR. LAZARUS: No, Mr. President. He was  
16 Chief of a certain bureau in the War Ministry, and  
17 the Kempeitai who examined these flyers were under  
18 his control. He knows all about it, and, in fact,  
19 he states he spoke personally about the case and  
20 interceded on behalf of the flyers with the Vice-  
21 Chief of the General Staff. Therefore he has per-  
22 sonal knowledge, Mr. President.

23 THE PRESIDENT: He does not give what conver-  
24 sations he had or with whom or when.

25 MR. LAZARUS: Mr. President, that could be



1 very well brought out on cross-examination. I have  
2 kept the affidavits, if you notice, down to a bare  
3 minimum. We could have gone on for page after page  
4 that way.

5 He states, in the third paragraph on the  
6 first page, if the Tribunal will look, "... I pro-  
7 tested the decision to General TANABE, Vice-Chief of  
8 the General Staff, and stated to him that in my  
9 opinion the flyers should be treated as prisoners  
10 of war." That gives him direct knowledge, Mr. Presi-  
11 dent. He does state that he did speak with them,  
12 and that's where this information comes from. If  
13 it doesn't, it could very well be ascertained on  
14 cross-examination. That's what cross-examination is  
15 for.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 THE PRESIDENT: By a majority the objection  
2 is overruled and the document is admitted on the  
3 usual terms.

4 CLERK OF THE COURT: Defense document  
5 No. 256 will receive exhibit No. 3206.

6 (Whereupon, the document above  
7 ferred to was marked defense exhibit  
8 No. 3206 and received in evidence.)

9 MR. LAZARUS: (Reading)

10 "At the time of the raid on Tokyo by the  
11 American fliers in April of 1942 I was Chief of the  
12 Military Service Section of the War Ministry. Be-  
13 cause during the raid school children had been shot  
14 and non-military areas had been bombed there were dif-  
15 ferent opinions as to the treatment to be given fliers  
16 who became prisoners. The General Staff in Tokyo de-  
17 cided that all decisions as to the trial and treatment  
18 of the captured fliers should be exclusively within  
19 the province of the General Staff itself. Hence, as  
20 soon as the fliers were captured in China the General  
21 Staff ordered their immediate delivery to Tokyo. All  
22 relative investigations were made in Tokyo and prepara-  
23 tions were made to hold the trial of the fliers in Tokyo.  
24 However, as to the treatment to be given the fliers there  
25 developed two different opinions. One opinion was sup-



1 ported by the General Staff and the other by the War  
2 Ministry. Because of these conflicting opinions the  
3 General Staff suddenly gave up its intention to hold  
4 the trial in Tokyo and ordered that the trial be held  
5 in China and an order to that effect was forwarded to  
6 the China Expeditionary Army Headquarters and the  
7 fliers themselves were sent to Shanghai.

8 "In those days there wasn't any regulations  
9 that fliers could be tried by a military court and  
10 so in Tokyo a new military law as to the treatment of  
11 fliers who raided the Japanese homeland and the area  
12 under its control was promulgated and a copy of the new  
13 order was forwarded to the China Expeditionary Force  
14 with orders that the same law would be in effect in the  
15 areas controlled by the Japanese armies in China also.  
16 In the same order containing the information about the  
17 new military law just promulgated, was contained an  
18 order to Headquarters of the Japanese Expeditionary  
19 Army in China that the fliers would be tried under this  
20 law in China. Because there was no military court set  
21 up in the Headquarters of the China Expeditionary Forces  
22 at Nanking, the trial was to be held by the 13th Army  
23 at its headquarters in Shanghai.  
24  
25

R  
e  
i  
c  
h  
e  
r  
s  
&  
Y  
e  
l  
d  
e  
n1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

"When the decision was announced that the fliers would be tried by the newly promulgated military law, I protested the decision to General TANABE, Vice-Chief of the General Staff, and stated to him that in my opinion the fliers should be treated as prisoners of war. General TANABE stated that he agreed with me and not only was that so, but that he had just received a letter from General USHIROGU, General HATA's Chief of Staff, stating that General HATA was of that opinion himself, that he, HATA, desired to treat the fliers as prisoners of war. General TANABE then stated that nothing could be done about the matter because the General Staff had already made the decision that the fliers must be tried by military law.

"According to the practice of the Japanese army, the sort of letter that USHIROGU wrote to TANABE was never written by the Commander himself but it was always written by the Chief of Staff and when the Chief of Staff expresses anything in the official letter, that is the expression of the intentions of the Commander in Chief himself, not the opinion of the Chief of Staff. That was the practice in the Japanese army and such a letter is never addressed to the Chief of the General Staff, always to the Vice-Chief of the General Staff. That, too, was the practice of the



1 Japanese army. Therefore, when I learned that USHIROGU  
2 had written a letter containing the views of HATA and  
3 the letter was addressed to the Vice-Chief of the  
4 General Staff, I knew that it was an official letter  
5 in the usual practice of the Japanese army informing  
6 the General Staff of the position and the opinion of  
7 the Commander in Chief of the Japanese Armies in China,  
8 General HATA.

9 "As a result of the receipt of this letter  
10 from General USHIROGU stating the position of General  
11 HATA with reference to the fliers, Colonel ARISUE was  
12 dispatched from Tokyo by the General Staff to HATA  
13 to give HATA the orders and the desires of the General  
14 Staff. The General Staff in Tokyo was afraid that  
15 HATA would not carry out the instructions of putting  
16 the fliers to trial and Colonel ARISUE was sent to  
17 HATA to notify HATA that he was to do as he was order-  
18 ed and that no theory or logic on his part with refer-  
19 ence to this case would be accepted by Tokyo. More-  
20 over, there was another apprehension among the members  
21 of the General Staff, that even if the China Expedi-  
22 tionary Force tried these fliers, they might have  
23 found a decision of not guilty and that HATA would  
24 then have released them after trial and this the  
25 General Staff feared.

1 "Thus, as the matter stood, all orders and  
2 directives with reference to the trial were issued  
3 by the General Staff in Tokyo and the trial was held  
4 by the 13th Army in China. Hence, in this trial,  
5 General Headquarters of the China Expeditionary Army  
6 merely acted as a channel through which were trans-  
7 mitted the orders of the General Staff in Tokyo to  
8 the 13th Army where the trial was being held. There  
9 was absolutely no room left whatsoever for the use  
10 of any discretion or judgment on the part of the  
11 members of the Headquarters of the China Expedition-  
12 ary Force with reference to this trial."

13 THE PRESIDENT: Mr. Chief of Counsel.



## CROSS-EXAMINATION

1 BY MR. KEENAN:

2 Q Have you any personal knowledge, General  
3 TANAKA, with reference to the shooting of any  
4 school children by the fliers?

5 A I do.

6 Q Did you see any of them shot down?

7 A I did not see them actually being shot. I  
8 merely received reports.

9 Q There were, as I understand, two views or  
10 two different opinions as to the treatment to be  
11 given the fliers who had become prisoners as a re-  
12 sult of the raid, is that right?

13 A Yes.

14 Q In short, one opinion was that they should  
15 be executed, the other opinion was that they should  
16 be humanely treated as prisoners of war, is that  
17 right?

18 A Yes, as you say.

19 Q And you shared the second opinion, the  
20 milder one, we will say?

21 A I advocated the mild opinion.

22 Q And, if I understand your affidavit or your  
23 statement accurately, that was the view held by the  
24 War Ministry, to hold these men as prisoners and not  
25

1 to execute them?

2 A The opinion of the General Staff was con-  
3 veyed to the War Ministry in a conference of Bureau  
4 chiefs of the War Ministry by Chief of the Military  
5 Affairs Bureau SATO, who was then acting as liaison  
6 between the War Ministry and the General Staff. At  
7 this conference War Minister TOJO definitely opposed  
8 this view saying that that was wrong. It is true  
9 that some of the junior officers were rather extreme  
10 in their views; however, since the War Minister himself  
11 said that the extreme view was wrong, I believe it is  
12 right to say that the view of the War Ministry was  
13 as you said.

14 The Military Service Bureau was against this  
15 execution right up to the end. The Military Service  
16 Bureau did not set its seal on this procedure until  
17 after the General Staff had already obtained the  
18 Imperial sanction. The reason why the Military  
19 Service Bureau had to put its seal on this document  
20 ordering this procedure was that, as the agency con-  
21 trolling the Kempeitai, it had some responsibility in  
22 the case since the report of the Tokyo Kempeitai head-  
23 quarters which investigated these fliers was channeled  
24 through the Military Service Bureau -- correction:  
25 since the Military Service Bureau was controlling the



1 Kempeitai as far as ordinary business routine went.

2 Q General, I will try to keep my questions  
3 as concise as possible and will you cooperate to  
4 keep your answers likewise concise?

5 A Thank you.

6 Q You used the term, "extreme view"; was that  
7 a polite expression for execution or death penalty?

8 A Yes, as you say.

9 Q Now, you have been good enough to tell us  
10 all those who were in favor of the milder view; will  
11 you now tell us who were responsible personally -- the  
12 men -- for overruling the views of so important a  
13 figure as TOJO -- General TOJO or Minister TOJO?  
14 Who were the men who wanted to execute these fliers  
15 in Tokyo?

16 A The Chief of the General Staff, the Vice-  
17 Chief of the General Staff--

18 Q Will you give their names?

19 A General SUGIYAMA, Gen, Chief of the General  
20 Staff.

21 Q He has passed away, I understand?

22 A Yes.

23 Q Who else?

24 A The Vice-Chief of the General Staff is also  
25 responsible since, although at first he opposed the

1 step, later he agreed to it.

2 Q Who was he?

3 A Lieutenant General TANABE, Moritake.

4 Q Anyone else?

5 A All the members of the First Department of  
6 the General Staff.

7 Q Can you give us the names of some of the  
8 more prominent men, briefly?

9 A Chief of the First Department, then Major  
10 General, later Lieutenant General TANAKA, Shinichi.  
11 I have forgotten the names of the section chiefs in  
12 that department.

13 Q As I understand, the fliers were captured  
14 in China the day after the raid in Tokyo and a few  
15 days afterwards were returned to Tokyo from China,  
16 is that correct?

17 A Yes.

18 Q Would it not have been in accordance with  
19 ordinary procedure here in Japan to have the trials  
20 take place at the situs or location where the alleged  
21 offenses were committed?

22 A Yes, as you say.

23 Q And on this very important occasion that  
24 procedure was departed from, was it not?

25 A Yes, as you say.



1 Q If they had been tried in Tokyo, would  
2 you have had to do with the procedure?

3 A I would have had nothing to do with the  
4 actual trial. I would be connected, however, with  
5 the investigation that would lead up to the trial.

6 Q That might have a great deal to do with  
7 what occurred at the trial?

8 A Yes.

9 Q So that--

10 THE PRESIDENT: We will recess for fifteen  
11 minutes.

12 (Whereupon, at 1045, a recess was  
13 taken until 1100, after which the proceed-  
14 ings were resumed as follows:)

15 MARSHAL OF THE COURT: The International  
16 Military Tribunal for the Far East is now resumed.

17 THE PRESIDENT: Mr. Chief of Counsel.

18 BY MR. KEENAN (Continued):

19 Q You have told us the names of some of the  
20 members of the General Staff who favored the execution  
21 of the fliers. You have told us that the Prime Minis-  
22 ter, who was also, I believe, the War Minister, and  
23 perhaps other ministers at the time, TOJO, the  
24 accused, opposed the execution; that some subordinates  
25 in the War Ministry favored execution. Who were they?

1           A    I have no exact recollection of names at  
2   the present moment. However, there were some among  
3   the junior officers who held very extreme opinions.  
4   I remember that members of the Military Administra-  
5   tion Section of the Military Affairs Bureau held  
6   quite extreme views, but I have forgotten their  
7   names.

8           Q    Has it become a habit or was it a habit in  
9   Japan at that time and some years previous that when  
10   extreme views about executing and murdering people  
11   were held they were declared to be held only by  
12   junior officers?

13          A    Yes.

14           THE PRESIDENT: On behalf of a Member of  
15   the Tribunal, I desire the witness to state whether  
16   there was any section in the General Staff or else-  
17   where that favored a trial of the fliers.

18           THE WITNESS: The Defense Headquarters held  
19   a very strong opinion in this matter.

20          Q    Who was the head of the Defense Headquarters?

21          A    At the time it was Prince HIGASHIKUNI.

22          Q    Was that view held by him?

23          A    Since I heard this strong opinion from General  
24   KOBAYASHI, who was Chief of Staff of Defense Head-  
25   quarters, I do not know what Prince HIGASHIKUNI's



1 opinions were personally.

2 Q Do you know whether Prince HIGASHIKUNI had  
3 anything to do with the promulgation of any law or  
4 any regulation having to do with the execution of  
5 fliers who were captured?

6 A It was the duty of the General Defense  
7 Headquarters to issue laws in so far as they con-  
8 cerned the Japanese homeland.

9 Q Is this one of these laws you referred to  
10 protecting the homeland?

11 A What I meant to say was that just as the  
12 Commander of the Expeditionary Forces in China re-  
13 ceived a certain standard from the central authorities  
14 and promulgated a law relative to the trial of these  
15 fliers in China based on that standard, so in the  
16 Japanese homeland it was the duty of General Defense  
17 Headquarters to promulgate laws in so far as they  
18 concerned Japan.

19 THE INTERPRETER: The word "duty" should be  
20 stricken.

21 THE MONITOR: It was Defense Headquarters which  
22 in the Japanese homeland issued such orders, or issued  
23 such laws.

24 Q You have mentioned the name of the Chief of  
25 the Bureau, but you haven't answered, I think, the

1 question I asked about the subordinates in the War  
2 Ministry who favored the execution of the Doolittle  
3 fliers?

4 A As I recall now, it was a certain Lieutenant  
5 Colonel OTSUKI, who was serving in the Military Adminis-  
6 tration Section of the Military Affairs Bureau, who  
7 came to me several times in order to most strongly  
8 urge upon me his opinion that the fliers should be  
9 severely punished. I have forgotten his first name.

10 Q Who was the head of the Military Affairs  
11 Bureau Section at that time?

12 A It was Colonel NISHIURA.

13 Q When did this sharp difference of opinion  
14 as to the treatment of the fliers occur with relation  
15 to the Doolittle raid itself?

16 A This violent opposition arose immediately  
17 upon receipt of word from China that the fliers who  
18 had bombed Tokyo had been caught there.

19 Q That was the next day after the raid?

20 A Yes.

21 Q What were the reasons ascribed by those who  
22 wanted these fliers executed -- captured fliers?

23 A The reason they ascribed was that since at  
24 the time we were very afraid of the possibility of  
25 bombing raids by American planes on Japan if the



1 fliers were executed it would cause the American  
2 air force to fear -- the members of the American  
3 air force to fear their possible fate and thus to  
4 desist from bombing Japan.

5 Q A campaign of terrorism?

6 A Yes.

7  
8  
9  
10  
11  
12  
13  
14 After the war had occurred and the fliers had been  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q They said, apparently, that they could  
get their desires of the execution of these fliers  
carried out better by sending them to the China area?

A I suppose they did.

Q Were they sent back to China before the law  
was promulgated, or afterwards?

1           Q   Now, will you tell us, General, why these  
2 fliers could not be tried in Tokyo since they were  
3 brought back specifically for the purpose of Tokyo  
4 jurisdiction? To complete the question: The Prime  
5 Minister's, War Minister's views had been overruled,  
6 the War Ministry views overruled, and apparently the  
7 General Staff was to have its way to execute these men.  
8 Why could that not have been done by proceedings in  
9 Tokyo? Why was it necessary to again send them all  
10 the way back to Shanghai?

11           A   Of course, I do not know the exact reasons,  
12 but in general, since even in my opinion it was alto-  
13 gether wrong that a new military law be promulgated  
14 after the act had occurred and the fliers be tried on  
15 the basis of that new law, the central authorities felt  
16 that it would not be proper to hold the trial in Tokyo.  
17 In a word, I think you can say that it was the desire  
18 of the central military authorities to evade their own  
19 responsibility.

20           Q   They felt, apparently, secure that they could  
21 get their desires of the execution of these fliers  
22 carried out better by sending them to the China area?

23           A   I suppose they did.

24           Q   Were they sent back to China before the law  
25 was promulgated, or afterwards?



1           A    If my recollection serves me right, the law  
2 was promulgated toward the end of July, whereas the  
3 fliers were sent to China on the 18th of June. The  
4 draft plan of this military law, of course, had been  
5 drawn up long before, but because of violent opposition  
6 the promulgation, the actual promulgation, of the law  
7 had been delayed.

8           Q    What would have happened to the accused HATA  
9 had he refused to carry out the law? Would the execu-  
10 tion have taken place in his district nevertheless?

11          A    If he had refused probably General HATA would  
12 have been relieved of his post as commander and a new  
13 commander sent out, and I believe the new commander  
14 would have carried out the execution.

15          Q    But the worst that would have happened to  
16 General HATA, had he refused to carry out the command,  
17 would have been that he would have been relieved of  
18 his command; that is, even assuming that the instructions  
19 he received were tantamount to a command?

20          A    Yes.

21               THE PRESIDENT: Was the command to execute?

22               THE WITNESS: Yes.

23               THE PRESIDENT: Mr. Lazarus.  
24  
25

## REDIRECT EXAMINATION

1 BY MR. LAZARUS:

2 Q General TANAKA, the orders to General HATA,  
3 were they to hold the trial?

4 A The first order that went to General HATA was  
5 for the trial of these fliers. A later order ordered  
6 that they be severely punished.

7 Q Where did the order come from commuting the  
8 death sentence of five of the fliers to life imprison-  
9 ment?

10 A I think it came direct from the Emperor.

11 Q And the order saving the lives of five of  
12 the fliers went straight to General HATA?

13 A Through the General Staff. I think it was  
14 routed through the General Staff.

15 Q And that order contained that the sentence  
16 will be carried out against the other three whose  
17 sentence was not commuted?

18 A Yes, as you say.

19 MR. LAZARUS: No further questions,  
20 Mr. President.

21 THE PRESIDENT: A colleague desires further  
22 particulars about those two orders to hold a trial  
23 and to punish severely. Did the second order come  
24 before the trial was concluded?  
25



1 THE WITNESS: The order came before the  
2 trial was even started. This order was communicated  
3 verbally through Colonel ARISUYE.

4 THE PRESIDENT: To whom was the order directed?

5 THE WITNESS: The Chief of the General Staff  
6 personally sent Colonel ARISUYE as his emissary to  
7 General HATA, commander of the forces in China, and  
8 communicated this order.

9 THE PRESIDENT: The order was an oral order;  
10 it was not in writing, is that so?

11 THE WITNESS: I was not, of course, on the  
12 spot, but I heard from Major General MIYANO that the  
13 order was oral.

14 THE PRESIDENT: Mr. Lazarus.

15 MR. LAZARUS: Mr. President, with reference  
16 to General TANAKA's other affidavit, will we meet  
17 later, is that correct, sir, and the Court point out  
18 which part should be kept out?

19 THE PRESIDENT: The position is that a majority  
20 of the Tribunal uphold all the objections. But instead  
21 of admitting the document with the balance, we ask you  
22 to rewrite it and have it sworn.

23 MR. LAZARUS: Yes, sir. Then, with the  
24 exception of the remaining affidavit of General TANAKA  
25 and the revised affidavit of the witness, NODA, who

1 stepped down yesterday because his affidavit was not  
2 in order, this concludes the case of the accused HATA.  
3 On advice of counsel, he will not take the stand.

4 THE PRESIDENT: Are you recalling Admiral  
5 YONAI?

6 MR. LAZARUS: No, Mr. President, we do not  
7 think he should be recalled. I understand, though,  
8 that this morning Mr. Chief Prosecutor thought that  
9 he would like to request the Tribunal to recall him  
10 for him.

11 THE PRESIDENT: I understand no change has  
12 been made by the Language Section in the original.  
13 Of course, there could not be. It is only in the  
14 translation, and as it is in English, there may be no  
15 ground for recalling YONAI.

16 THE PRESIDENT: Part of another affidavit was  
17 recalled. Have you that ready yet, Major?

18 LANGUAGE SECTION (Major Moore): If the Tribunal  
19 please, they are both ready, but we have not the copies  
20 to be distributed as that the Tribunal can follow as  
21 they are being read, sir.

22 THE PRESIDENT: Thank you, Major.

23 MR. LAZARUS: With reference to the witness  
24  
25



L  
e  
f  
f  
e  
r  
&  
W  
o  
l  
f

Major Moore.

LANGUAGE ARBITER (Major Moore): If the Tribunal please, the corrections to the two affidavits are ready. The copies to be distributed to the Tribunal are in preparation at this time.

THE PRESIDENT: I think my Colleagues would like to know now what alterations in the English translation you suggest, Major Moore.

LANGUAGE ARBITER (Major Moore): I will be ready to report after the noon recess, if the Tribunal please.

THE PRESIDENT: Are they so extensive that you need more time?

LANGUAGE ARBITER (Major Moore): They are so extensive, if the Tribunal please, that we felt that they should be prepared in order that the Tribunal might see the corrected copy as it will be approved.

THE PRESIDENT: Part of another affidavit was referred. Have you that ready yet, Major?

LANGUAGE ARBITER (Major Moore): If the Tribunal please, they are both ready, but we have not the copies to be distributed so that the Tribunal can follow as they are being read, sir.

THE PRESIDENT: Thank you, Major.

MR. LAZARUS: With reference to the witness

1 SAWADA, t' certificate of which I spoke about earlier  
2 this morning; Mr. President, with reference to that  
3 letter, it will be ready some time this afternoon, and,  
4 at the convenience of the Tribunal, we will introduce  
5 it.

6 Perhaps the Tribunal would prefer that it be  
7 introduced at the same time that the revised affidavit  
8 of General TANAKA is introduced, plus the corrected one  
9 of General NODA. To save time we will do that.

10 THE PRESIDENT: Mr. Chief of Counsel, are you  
11 still pressing for the recall of YONAI, assuming that  
12 it will not be necessary to recall him when we get the  
13 redraft or the amended translation?

14 MR. KEENAN: Yes, Mr. President. It has to do  
15 with the misapprehension of counsel as to one answer of  
16 YONAI's, as to whether or not he made certain answers  
17 in an interrogation, which co-counsel at the table  
18 understood him to deny he even had the interview. It  
19 is a rather important statement. They would be categorical  
20 questions, to admit or deny them, and we want to lay  
21 the foundation for their introduction, and we believe  
22 they are highly important and may even be highly  
23 determinative of issues at the time of the verdict.

24 I will state to the President of the Tribunal  
25 that this request did not come, was not made, I remind



1 the Court, after we had been informed that the accused  
2 would not take the stand and I might state to the Court  
3 we have been informed definitely by learned counsel  
4 for the accused that he would take the stand, but it  
5 had nothing to do with our position in making this re-  
6 quest.

7 MR. LAZARUS: I am afraid I must challenge  
8 that last remark. The statement had been made in several  
9 conferences that if the accused takes the stand he will  
10 take it without an affidavit. That had been clearly  
11 understood. Although a document number had been pre-  
12 pared, the affidavit was never translated and it was  
13 never intended to use it.

14 Now, as to the other part, the recalling of  
15 YONAI. As the President stated earlier this morning,  
16 if it had been something that had been discovered  
17 recently since the witness had left the stand, then  
18 very probably the Tribunal could recall the witness for  
19 further cross-examination. However, by the Chief  
20 Prosecutor's very word a moment ago, sir, it is only  
21 a misapprehension on the part of one counsel at the  
22 table as to whether or not the question was answered.  
23 There not being anything new, Mr. President, I suggest  
24 there is no need to recall the witness and prolong this  
25 part of the trial.

1 THE PRESIDENT: Well, for the time being, I  
2 don't quite understand why the misapprehension of  
3 counsel should be a justification for recalling YONAI.  
4 If there is something obscure in the transcript, that  
5 might be.

6 MR. KEENAN: Mr. President, the prosecution  
7 desires to be entirely candid with the Tribunal. I  
8 think that the transcript will not show an ambiguity,  
9 but there was difficulty at the time with the trans-  
10 mission system, difficulty of hearing the witness and  
11 of the transmission over the earphones, so that a  
12 question asked him was misunderstood by myself.

13 But, however, I appeal to the discretion of  
14 the Court and say this: It has to do simply with a  
15 sworn interrogation that we had in the record and  
16 perhaps he would not have to be recalled. Indeed, the  
17 Court discouraged further cross-examination at a certain  
18 period because of the denial of the witness of state-  
19 ments made.

20 We intend, Mr. President, in rebuttal to offer  
21 statements made by YONAI germane to the issue and  
22 highly important, and will consider it proper rebuttal,  
23 but we may be met with the objection that he hasn't  
24 been tendered the precise questions. We are attempting  
25 to clear that up only by recalling him.



1 THE PRESIDENT: You merely want to be fair to  
2 YONAI. You offer to be fair to him. His counsel  
3 objects and that is all you need do, Mr. Chief of  
4 Counsel. That is your argument as we understand it.

5 In those circumstances, there is no need to  
6 recall YONAI. You may tender that evidence in rebuttal.

7 What is the next individual case? Perhaps you  
8 can get through the opening.

9 MR. LAZARUS: May the witness be dismissed,  
10 Mr. President, on the usual terms?

11 THE PRESIDENT: He is released accordingly.

12 (Whereupon, the witness was excused.)

13 - - -

14 THE PRESIDENT: Mr. Williams.

15 MR. G. WILLIAMS: May it please the Tribunal,  
16 with the permission of the Tribunal and pursuant to  
17 agreement with the other accused, the individual case  
18 for the accused HOSHINO is being presented ahead of the  
19 regular order, because of the necessity for the absence  
20 of one of the counsel in the case. If that is agreeable,  
21 I shall proceed with the opening statement.

22 THE PRESIDENT: I understand there is no  
23 objection on the part of the Tribunal.

24 MR. G. WILLIAMS: Thank you, sir.

25 Mr. President and Members of the Tribunal:

1           The evidence to be offered on behalf of the  
2 accused HOSHINO will be divided for the sake of clarity  
3 into three parts: the Manchurian period from 1932 to  
4 1940; the Planning Board period from 1940 until April  
5 1941; and the period after October 18, 1941 when he  
6 was Chief Secretary of the TOJO Cabinet. The career  
7 of the accused will be treated briefly, beginning with  
8 the time when, while still a minor official in the  
9 Finance Ministry, he was asked to go to assist with his  
10 experience the Finance Ministry of Manchukuo. He  
11 accepted and, through his ability and his sincere interest  
12 in the country, eventually became Chief of the General  
13 Affairs Board of the Manchukuo Government. The reasons  
14 for HOSHINO's appointment as Chief of the General  
15 Affairs Bureau in 1936, his relations with the Premier,  
16 the limitations on his authority as well as the fact  
17 that the Bureau was not dictated to by the Kwantung  
18 Army will be explained by the witness MATSUKI.

18           Refutation of the prosecutions's charge against  
19 HOSHINO of exploitation in Manchuria will be provided  
20 by evidence showing:

21           1. HOSHINO's sincere and unremitting efforts  
22 toward instituting many of the general improvements in  
23 Manchukuo outlined briefly in the general Manchurian  
24 Phase, such as reformation of the financial system  
25 (concerning which the Lytton Report expressed doubt as



1 to the possibility of accomplishment), reduction of  
 2 taxes on the people and establishment of a fair tax  
 3 system, agricultural and other general economic  
 4 development of the country;

5 2. His removal of salary discriminations  
 6 between Japanese and native Manchurians and his replace-  
 7 ment of Japanese officials with Manchurians in important  
 8 posts, so much so that he was criticized as being too  
 9 pro-Manchurian rather than pro-Japanese;

10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1           3. His attempts to sell Manchurian products  
2 to Japan at as high a price as possible and to buy  
3 Japanese products for Manchukuo as cheaply as possible,  
4 as well as his efforts against manipulation of tariffs  
5 in favor of Japan.

6           4. His attempts to prevent any Japanese  
7 policy he considered adverse to the interests of the  
8 people of Manchukuo from being carried out; for in-  
9 stance, his constant efforts to have Japan give up  
10 her special rights and interests in Manchuria by  
11 relinquishing her extraterritorial and other rights,  
12 one of the effects of which was to greatly increase  
13 the taxes imposed on Japanese residents;

14           5. His efforts towards eradication of opium  
15 addiction in as short a time as possible through the  
16 Ten-Year Plan, and his opposition to the use of  
17 monopoly revenue funds for general use rather than  
18 for the opium prohibition policy.

19           Refutation of the charge of economic ex-  
20 clusion and discrimination in favor of Japanese will  
21 be shown by:

22           1. HOSHINO's interest and support of bring-  
23 ing in foreign capital for building up Manchuria;

24           2. His attitude of equal treatment for all  
25 foreign capital, whether Japanese or otherwise.



1           In July of 1940, while still in Manchuria  
2 where he had labored for eight years improving that  
3 country, Mr. HOSHINO was asked to join the Second  
4 KONOYE Cabinet as President of the Planning Board  
5 and Minister Without Portfolio. He accepted this  
6 promotion and came to Japan. The evidence of the  
7 prosecution, as well as other evidence, has already  
8 shown that at the time HOSHINO joined the KONOYE  
9 Cabinet the basic Cabinet policy had already been set  
10 by the Four Minister Conference. The difficulties  
11 faced by the Planning Board in attempting to meet the  
12 demands for allocations of the Army, Navy and the  
13 civilian economy bans of foreign countries, and the  
14 lack of planning for any future war, will be shown  
15 by the witness OBATA.

16           The prosecution, in its answer to the accused'  
17 motion for dismissal, alleged that the Planning Board  
18 planned for government control of industry in Japan.  
19 The witness OBATA will explain, however, how HOSHINO  
20 and others of the Cabinet changed the plan for govern-  
21 mental control of industry, the original "new economic  
22 structure," in favor of more control by the business-  
23 men and less by the Government.

24           The duties and position of an "explainer" or  
25 "exponent" at the Privy Council, in which capacity

1 HOSHINO attended the Privy Council meeting on the Tri-  
2 partite Pact, will be briefly explained. Concerning  
3 HOSHINO's relations with the Total War Research Insti-  
4 tute, it will be explained how, although HOSHINO was  
5 appointed nominally as acting director of that Insti-  
6 tute at the time it was set up because of his position  
7 on the Planning Board, he showed no interest in the  
8 Institute and until the time of his relief from the  
9 post did nothing to get the Institute started.

10 On the issue of conspiracy it should be  
11 noted that the prosecution attempted to establish its  
12 conspiracy charges against HOSHINO primarily by virtue  
13 of his relations with the accused General TOJO. The  
14 notes of Prince KONOYE concerning the Cabinet changes  
15 in economic ministers will show that it was none other  
16 than TOJO who informed HOSHINO that he must resign from  
17 the Cabinet. The evidence will show that from the time  
18 of his resignation of 4 April 1941 until the following  
19 October, HOSHINO spent a great deal of his time  
20 travelling around Japan. His contact with TOJO was  
21 limited to one courtesy call and he had no contact with  
22 "professional politicians." He had already bought a  
23 ticket in anticipation of going to Korea when he was  
24 unexpectedly asked to become Chief Cabinet Secretary.  
25 It will be shown that one of his future subordinates,



1 INANA, who had been in the Cabinet Secretariat since  
2 1937, was asked by TOJO for his opinion on the type  
3 of person best suited for the post of Chief Cabinet  
4 Secretary and that, after giving his opinion, INADA  
5 approved of HOSHINO from among several named by TOJO.  
6 Regarding the war policy TOJO never asked HOSHINO's  
7 opinion nor did HOSHINO give him any but merely carried  
8 out his instructions as a secretary.

9 The position of the Chief Cabinet Secretary  
10 will be explained by Cabinet regulations, a witness  
11 who formerly held that office, and the interrogations  
12 of the accused. This evidence will disclose that the  
13 Chief Cabinet Secretary could neither voice his opinion  
14 nor vote in the Cabinet meeting but was concerned  
15 primarily with work of an administrative character.  
16 This witness will testify that HOSHINO never attended  
17 the Liaison Conference while President of the Planning  
18 Board. Later, as Chief Cabinet Secretary he did  
19 attend but it was in a secretarial capacity only and  
20 he could not participate in the discussions or de-  
21 cisions.

22 Before, however, going into the evidence  
23 meeting the general issues in the Indictment, we should  
24 like to take up a collateral issue which was raised  
25 during the prosecution's case when a copy of certain

~~excerpts of interviews or interrogations of Mr.~~

1 HOSHINO by the United States Strategic Bombing Sur-  
2 vey was offered in evidence against him. At that time  
3 objection to the document was made by Mr. Howard, act-  
4 ing in the absence of this counsel, who pointed out  
5 that the accused HOSHINO was led to believe that the  
6 statements made by him would not be used against him  
7 and challenged the accuracy of the document. The  
8 answer of the Tribunal to this objection as given by  
9 the President at page 5,153 of the transcript was as  
10 follows:

11 "A majority of the Court seems to be of the  
12 opinion that any challenge to this interrogation should  
13 come when the defense are giving their evidence and  
14 then you can meet it with your evidence, if you so  
15 desire. You will be giving evidence in rebuttal. In  
16 the meantime, the evidence is admitted subject to  
17 challenge in that way at that time."

18 Accordingly, this exhibit will be challenged  
19 by the testimony of persons who were present at these  
20 interviews.

21 We call as our first witness Dr. Spinks.  
22  
23  
24  
25



1 C H A R L E S N E L S O N S P I N K S, called as  
2 a witness on behalf of the defense, being first  
3 duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. G. WILLIAMS:

6 Q Dr. Spinks, will you state your name and  
7 address to the Tribunal, please?

8 A My name is Charles Nelson Spinks; my present  
9 address is with the Civil Intelligence Section in  
10 Tokyo.

11 MR. G. WILLIAMS: I ask that the witness be  
12 shown defense document No. 2584.

13 (Whereupon, a document was handed  
14 to the witness.)

15 Q Will you state whether or not that is your  
16 affidavit?

17 A That is my affidavit.

18 Q Are the contents thereof true and correct?

19 A The content thereof is true and correct.

20 MR. G. WILLIAMS: We offer in evidence  
21 defense document No. 2584, the affidavit of the wit-  
22 ness, Dr. Spinks.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 2584  
25 will receive exhibit No. 3207.

1 (Whereupon, the document above  
2 referred to was marked defense exhibit  
3 No. 3207 and received in evidence.)

4 MR. G. WILLIAMS: I read the affidavit:

5 "My name is Charles Nelson Spinks. I am  
6 presently employed as a War Department civilian  
7 employee in Tokyo. In the autumn of 1945 I was a  
8 Lieutenant Commander in the United States Naval  
9 Reserve and was in Tokyo as Chief of the Manpower,  
10 Food and Civilian Supplies Division of the United  
11 States Strategic Bombing Survey.

12 "I understand and speak Japanese and was  
13 present at several of the interviews between Japanese  
14 and the Bombing Survey. Our purpose was to find out  
15 the effects of warfare on the Japanese economy and  
16 industry, particularly the effects of aerial bombing.  
17 We found that many of the Japanese whom we interviewed  
18 were reluctant to talk to us since they did not know  
19 our purpose and thought we might be investigating war  
20 criminal responsibility. It was necessary, therefore,  
21 to put them at their ease and reassure them that this  
22 was not our purpose and that we wanted information  
23 for Bombing Survey purposes only.

24 "I cannot say whether or not any of the Japa-  
25 nese interviewed were made positive promises or



1 assurances that the interviews would not be used against  
2 them in any war crimes prosecution, although they might  
3 well have gotten that impression from the preliminary  
4 remarks I witnessed. One of our members usually had  
5 a preliminary conversation with the interviewee to put  
6 him at ease and explain our aim so that he would speak  
7 freely during the interview. Certainly we exerted  
8 whatever efforts were necessary in the circumstances  
9 to allay suspicion and overcome any reluctance to  
10 give us the information we desired.

11 "I was present at the interviews with  
12 HOSHINO, Naoki, during November, 1945. HOSHINO was  
13 not placed under oath and the interrogations were  
14 conducted in a friendly and informal atmosphere. The  
15 only interpreter was a missionary, much overworked,  
16 whose Japanese was good, although he often needed  
17 help from me in translating technical terms. I have  
18 been shown by counsel exhibit No. 454 for identifi-  
19 cation --"

20  
21 May the witness be shown exhibit 454?

22 (Whereupon, a document was handed  
23 to the witness.)

24 MR. G. WILLIAMS (Reading Continued): "--which  
25 is a transcript of the Bombing Survey interviews with  
HOSHINO in November, 1945. I would say that this

1 transcript is accurate so far as the questions put to  
2 HOSHINO are concerned. It does not, however, contain  
3 the preliminary remarks at the beginning of the inter-  
4 views, nor does it contain an exact or full record of  
5 HOSHINO's answers to the questions.

6 "When asked a question, HOSHINO often spoke  
7 for several minutes at a time, sometimes as long as  
8 five minutes, before his remarks were translated. I  
9 could not always follow him or retain the full sub-  
10 stance of his longer replies, and the same was true  
11 of the interpreter. In such cases the interpreter  
12 translated as much as he could remember, or gave the  
13 gist of the answer to the stenographer. Sometimes we  
14 had to go over the answers after the interview in order  
15 to edit them, correct passages, or fill in portions  
16 which had been missed, or where the exact words or  
17 sentences had been forgotten. I recall that several  
18 times during the interview HOSHINO attempted to make  
19 corrections, but so far as I know HOSHINO was not  
20 shown the final transcripts after editing and correc-  
21 tions were made following the interviews.

22 "There was only one stenographer to record  
23 the interviews. Neither the interpreter nor the  
24 stenographer was sworn.

25 "/S/ CHARLES NELSON SPINKS"



1                   You may cross-examine.

2                   THE PRESIDENT: We will adjourn until half  
3 past one.

4                   (Whereupon, at 1200, a recess was  
5 taken.)

6                   - - -

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## AFTERNOON SESSION

K  
a  
p  
l  
e  
a  
u  
&  
K  
n  
a  
p  
p

1 The Tribunal met, pursuant to recess, at  
2  
3 1330.

4 CHARLES NELSON SPINKS, called  
5 as a witness on behalf of the defense, resumed  
6 the stand and testified as follows:

7 MARSHAL OF THE COURT: The International  
8 Military Tribunal for the Far East is now resumed.

9 THE PRESIDENT: Major Moore.

10 LANGUAGE ARBITER (Major Moore): If the  
11 Tribunal please, we present language corrections for  
12 exhibit 3198, line 7, and exhibit 3202 which was pre-  
13 sented Monday but not read into the transcript. The  
14 portions underscored, as depicted, indicate revisions  
15 as made by the Arbitration Board. The approved  
16 translations only will be read; major alterations  
17 will be indicated in the reading.

18 Exhibit 3198 (defense document 2044),  
19 record page 28,918, line 4, delete from "but in my"  
20 to the end of the page and substitute "but my Cabinet  
21 completely disregarded such a thing.

22 "War Minister Hata fully understood and  
23 wholeheartedly cooperated in this policy of my Cabinet."

24 Paragraph 6 of the first translation:  
25



1           "However a conspiracy arose to overthrow my  
2 Cabinet. A good plan for the conspirators was to have  
3 General HATA, who was opposed to the Tripartite Pact,  
4 resign, thus overthrow the Cabinet and kill two birds  
5 with one stone. Finally this plan was carried out.  
6 When I received General HATA's resignation, I believed  
7 that he was forced to resign, not of his own will, but  
8 through outside forces. I am today still convinced  
9 that this was so."

10           Paragraph 7 of the English translation:

11           Record page 28,919, line 1, before "I asked"  
12 insert "On the 16th of July 1940."

13           Line 12, -- in the original English trans-  
14 lation the last line on page 1 -- delete from "con-  
15 sequently" to the end of the next paragraph and  
16 substitute "and he felt the responsibility. Knowing  
17 General HATA's feelings, after the resignation of the  
18 Cabinet en bloc, I called him into my room and shak-  
19 ing his hand said, in general, 'I can understand your  
20 feelings. You have suffered much. I do not blame  
21 you.' He smiled sadly. His situation was indeed  
22 pitiful.

23           "General HATA, as far as I know, was never  
24 connected with any clique, association or organiza-  
25 tion while in the army or in politics. He, of

1 course, never belonged to any aggressive or ultra-  
2 militaristic organization. In fact he scrupulously  
3 avoided politics."

4 If the Tribunal please, I had hoped to pre-  
5 sent exhibit 3202 but it has not come to me from the  
6 mimeographers and I beg the indulgence of the Tri-  
7 bunal to present it when it has been prepared.

8 THE PRESIDENT: Exhibit 3198 should be read  
9 as corrected.

10 Mr. Lazarus.

11 MR. LAZARUS: If the Tribunal would be  
12 pleased, I would read the corrected affidavit when we  
13 present the corrected TANAKA affidavit; that is, at a  
14 later date, sir. Or I will accept any suggestion that  
15 the Tribunal has.

16 THE PRESIDENT: For the time being it need  
17 not be read.

18 MR. KEENAN: Mr. President, could we have  
19 some reasonable time set so that we will not have  
20 parts of these individual defenses bridging over,  
21 gapping, so that we could have them in final form?

22 THE PRESIDENT: I endeavored to have these  
23 things read before the accused HATA's case was  
24 closed this morning. I desired to avoid a waste of  
25 time involved in adjourning then.



1           MR. KEENAN: I am merely suggesting, Mr.  
2 President, that if the changes are very few and if it  
3 takes, say, by the end of tomorrow, some appropriate  
4 time could be fixed so that we would have a schedule  
5 of continued movement of this case in closing these  
6 individual cases as the occasion permits; it would  
7 be helpful to orderly procedure.

8           THE PRESIDENT: We are largely in the hands  
9 of the Language Section, but these two documents  
10 should be read as soon as they are available, and we  
11 urge expedition.

12           Brigadier Quilliam.

13           MR. KEENAN: Mr. President, so that I be not  
14 misunderstood, I have not reference to any language  
15 changes. I have reference to the TANAKA affidavit.  
16 It does not involve language changes.

17           THE PRESIDENT: We still urge expedition in  
18 respect to that matter, Mr. Chief of Counsel.

19           Mr. Lazarus saw me in Chambers during the  
20 luncheon adjournment and suggested that he put the  
21 affidavit, if I may call it such, in the form of  
22 question and answer to save time. I said the Court,  
23 I was sure, would accept anything to save time.

24           Brigadier Quilliam.

25           BRIGADIER QUILLIAM: May it please the Tribunal.

## 1 CROSS-EXAMINATION

2 BY BRIGADIER QUILLIAM:

3 Q Witness, am I right in assuming that you are  
4 unable to say whether, in fact, the preliminary  
5 statements referred to by you in your affidavit were  
6 actually made to HOSHINO?7 A I cannot recall the exact words which were  
8 said to Mr. HOSHINO, but I am positive that he was  
9 given some kind of assurance and some explanation as  
10 to the objectives of the Bombing Survey; that is,  
11 what --

12 THE INTERPRETER: Mr. Witness, please go on.

13 Q Are you positive from your recollection,  
14 Witness?

15 A I am positive from my recollection.

16 Q Do you realize that you did not say that in  
17 your affidavit? Do you realize that your affidavit  
18 in this respect is cast in general language and  
19 refers to a practice?20 A It was the practice before the interviewees  
21 to give a preliminary discussion explaining the ob-  
22 jectives of the survey, and I am positive that a  
23 similar discussion -- and I am sure that in the case  
24 of Mr. HOSHINO a similar preliminary discussion took  
25 place.



1 Q Can you be sure, Witness, that you are not  
2 relying merely on the practice? Can you be sure that  
3 you can recollect such a thing?

4 A I believe I can be sure because the inter-  
5 view with Mr. HOSHINO was the first one I attended.

6 Q How many interviews were there?

7 A There were three.

8 Q Do you say that this warning, or this state-  
9 ment, was made before each interview?

10 A It is my recollection that it was made at  
11 the first meeting with Mr. HOSHINO.

12 Q And not at the others?

13 A I do not recall the others.

14 Q And as I understand it, you are unable to  
15 assist the Tribunal by saying precisely what was said?

16 A I cannot remember the exact words, what was  
17 said.

18 Q Who made the statement?

19 A I cannot recall exactly. It was probably  
20 one of the interrogators or possibly the chairman of  
21 the committee -- of the group.

22 Q Do you understand the Japanese language?

23 A I have some knowledge of it.

24 Q Now, you have looked, you tell us, at these  
25 interrogations, exhibit 454, recently?

A Yes, I have seen them.

1 Q Can you point to any answer which is inexact?

2 A I don't believe I can.

3 Q Can you point to any answer which is incom-  
4 plete?

5 A I think almost every answer except the yes-  
6 or-no replies was incomplete.

7 Q Do you suggest that any of those answers was  
8 incomplete in a material respect?

9 A I cannot say at this time; I have forgotten.

10 Q Can you indicate in any instance where a  
11 correction was asked for by HOSHINO and it was not made?

12 A No, I cannot.

13 THE PRESIDENT: Did you hear the answers read  
14 over to the accused?

15 THE WITNESS: That is, during the interroga-  
16 tion?

17 THE PRESIDENT: Yes.

18 THE WITNESS: The answers, except for one or  
19 two, were not read back to the accused as far as I can  
20 recall.

21 Q May we assume that this duty you were engaged  
22 upon was an important one?

23 A That assumption would be correct.

24 Q Would it also be correct to say it would be a  
25 matter of real importance that the record of the interro-



1 gation should be substantially accurate?

2 A The survey had a very limited time in Japan  
3 and was under great pressure.

4 Q Will you please answer my question?

5 A Will you repeat it?

6 Q My question was, May we not assume that it  
7 was important that this record should be an accurate  
8 record of the proceedings?

9 A That is right.

10 Q Can you point to anything in that document  
11 which would indicate that it is not in fact an accur-  
12 ate record?

13 A I cannot do so.

14 BRIGADIER QUILLIAM: That is all.

15 THE PRESIDENT: Mr. Williams.

16 REDIRECT EXAMINATION

17 BY MR. G. WILLIAMS:

18 Q Doctor Spinks, was that record taken by the  
19 Strategic Bombing Survey accurate for the purpose for  
20 which it was taken?

21 A Yes, it was.

22 MR. WILLIAMS: We have no further questions,  
23 if your Honor please.

24 THE PRESIDENT: The witness is released on the  
25

1 usual terms.

2 (Whereupon, the witness was excused.)

3 - - -

4 F R A N C I S R. M I L L A R D, called as a  
5 witness on behalf of the defense, being first  
6 duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. WILLIAMS:

9 Q Will you tell the Tribunal your name and occu-  
10 pation, please?

11 A My name is Francis R. Millard. I am a mission-  
12 ary.

13 MR. WILLIAMS: May the witness be shown defense  
14 document No. 2591?

15 (Whereupon, a document was handed to the  
16 witness.)

17 Q Will you look that document over and state  
18 whether or not that is your affidavit?

19 A It is.

20 Q Are the contents thereof true and correct?

21 A So far as I know, yes.

22 MR. WILLIAMS: We offer in evidence defense  
23 document No. 2591, the affidavit of the witness Mr.  
24 Millard.  
25



1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Defense document 2591  
3 will receive exhibit No. 3208.

4 (Whereupon, the document above referred  
5 to was marked defense exhibit 3208 and received  
6 in evidence.)

7 MR. WILLIAMS: I shall read the affidavit.

8 "I, Francis R. Millard, am an American  
9 Missionary to Japan, residing at number 171 Amanuma,  
10 1 Chome, Suginami-ku, Tokyo.

11 "I was formerly connected with the United  
12 States Strategic Bombing Survey, serving in Japan with  
13 that organization as an interpreter after the war. I  
14 was the only interpreter during the interviews held with  
15 Naoki HOSHINO on the 19, 22, and 28 of November, 1945.

16 "Before the first of those interviews I was  
17 instructed, as was our practice, to talk with HOSHINO  
18 and put him at his ease, explaining to him that the only  
19 purpose of the Bombing Survey was to get general in-  
20 formation on the economic effects of the war on Japan,  
21 and to reassure him that the interview had no connec-  
22 tion with any war crimes prosecution purposes nor the  
23 fixing of individual responsibility. It had been dis-  
24 covered that such assurance was considered necessary in  
25 order to get from the Japanese the information we needed.

1 This I did.

2 "Neither I nor the stenographer was sworn.  
3 For the purposes of the Bombing Survey, it was suffi-  
4 cient if we took down the gist of the conversation  
5 rather than a verbatim record, in order to get the broad,  
6 overall picture.

7 "I have been shown Exhibit No. 454 for identi-  
8 fication" -- I ask the Marshal to show that exhibit to  
9 the witness.

10 (Whereupon, a document was handed to the  
11 witness.)

12 (Continuing) "which is a copy of the interviews  
13 we had with Mr. HOSHINO. As far as the questions put  
14 to him go, it appears to be a verbatim record. As to  
15 the answers, however, the words are in many cases my  
16 own, or the answers are condensations of what HOSHINO  
17 said. He often spoke continuously for several minutes  
18 in response to a question and I gave no running trans-  
19 lation. From time to time I received help on technical  
20 terms, particularly from one of the observers at the  
21 interviews who spoke Japanese. I had been away from  
22 Japan for several years and found such technical assis-  
23 tance necessary.

24 "This document does not show the statements  
25 made to HOSHINO before the formal interview, and, as I



1 recall, is not a complete record of the conversation  
2 in other respects. HOSHINO understood some English  
3 and suggested corrections from time to time, although  
4 I can not say whether or not all corrections were  
5 actually made. Neither HOSHINO nor I got a chance to  
6 read the transcript afterwards and, in fact, I never saw  
7 it until it was recently shown to me.

8 "Signed: Francis R. Millard."

9 You may cross-examine.

10 THE PRESIDENT: Brigadier Quilliam.  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

G  
r  
e  
e  
n  
b  
e  
r  
g  
&  
B  
a  
r  
t  
o1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## CROSS-EXAMINATION

BY BRIGADIER QUILLIAM:

Q Witness, will you please tell the Tribunal exactly what you said to Mr. HOSHINO, I mean by way of preliminary statements, of course.

A I do not remember my exact words, sir. The intent, of course, as given in the affidavit, was to explain to him that the purpose of the survey was simply to get an over-all picture and didn't concern individual responsibility nor connection with the warfare.

Q Can you actually recollect making a statement of that kind to HOSHINO?

A Yes, sir.

Q How many times was he interviewed?

A I was at three interviews.

Q Did you make the statement each time or only on the first occasion?

A I can't say, sir, but I would think at the first time only. It was considered sufficient.

Q Did you assist at the interrogation of other persons than HOSHINO?

A Yes, sir.

Q Many of them?

A There were several.



1 Q Can you give me any idea how many?

2 A I was in on many interviews. On this level,  
3 I suppose, there were six or seven.

4 Q Will you tell us who instructed or author-  
5 ized you to make a statement of this kind?

6 A The chairman in charge of the interview.

7 Q Who was that in this case?

8 A I don't recall, sir, who held the rank. I  
9 think Mr. Bisson led out in the interview and prob-  
10 ably so instructed me.

11 Q But you cannot be sure about it.

12 A No, sir.

13 Q Now, the questions, I understand, appearing  
14 in that record that's been shown to you are verbatim  
15 according to your recollection?

16 A I think so.

17 Q Now, would you indicate those answers in  
18 that record which you say are your own.

19 (To the Tribunal) May the record be handed  
20 to the witness, if it please the Tribunal?

21 (Whereupon, a document was handed  
22 to the witness.)

23 A In a sense they are all mine.

24 Q Well, you distinguish in your affidavit be-  
25 tween answers which are yours and those instances

1 where you have given a condensation. Will you point  
2 out an example of each?

3 A The words are mine, the answers are his.  
4 I don't know that I could pin that down, sir. It  
5 would depend on the length of them. The short  
6 answers, of course, are as verbatim as they can be  
7 when translated.

8 Q Can you point to an instance where a cor-  
9 rection was asked for by HOSHINO?

10 A That would not show in the record, and I  
11 wouldn't remember them.

12 Q May I assume that whenever HOSHINO asked  
13 you to make a correction you made it; I mean you  
14 dictated it?

15 A Very often, in order to clear up points,  
16 there was a conversation between the one being in-  
17 terrogated and the interpreter, and we cleared up  
18 points which I then passed on in the answer. How-  
19 ever, there were times when Mr. HOSHINO, in attempt-  
20 ing to follow the English, thought I had deviated,  
21 and more often than not a mere explanation was all  
22 it took to satisfy him.

23 Q In other words, Mr. Millard, you did your  
24 best to see that that record was an accurate, re-  
25 liable record of the discussion.



1 A I believe that it is.

2 Q So far as you know, there is nothing in that  
3 record which could be called unfair to HOSHINO?

4 MR. G. WILLIAMS: If your Honor please, we  
5 should like to object and have that question quali-  
6 fied as to the purpose for which the Brigadier is  
7 asking it: the accuracy.

8 THE PRESIDENT: As I understand the Briga-  
9 dier, by "unfair" he means "inaccurate."

10 BRIGADIER QUILLIAM: I meant to go further,  
11 sir, and suggest to the witness -- and, indeed, the  
12 witness has told us -- ~~that~~ that he did his best to be  
13 fair to the accused by giving full account to any  
14 corrections suggested by him.

15 THE PRESIDENT: In other words, that he tried  
16 to give as accurate a translation as he could.

17 MR. G. WILLIAMS: What I was objecting to,  
18 your Honor, was merely the form of asking the wit-  
19 ness' conclusions as to the accuracy of the document  
20 presumably for all purposes.

21 THE PRESIDENT: The question is directed to  
22 discovering whether the answers were accurately  
23 taken down in English and is allowed.

24 A I didn't take the answers down, sir, but I  
25 think I interpreted them as fairly as I could.

1           Q   I am sure you did. This is the point, isn't  
2 it, witness: you had a duty, not only to the Bombing  
3 Survey authorities but a duty to HOSHINO, and to the  
4 best of your ability you discharged both those duties;  
5 is that not so?

6           A   I attempted.

7           Q   And you have told us you can't point to any  
8 respect in which the document is inaccurate or in-  
9 complete although you say it doesn't contain all the  
10 words used by HOSHINO?

11          A   As I understand it, that refers to the pre-  
12 liminary remarks, which are not recorded, prior to  
13 the actual interview.

14          THE PRESIDENT: The preliminary remarks were  
15 yours, not HOSHINO's. You must have known we are  
16 talking about the reporting or the translating of  
17 HOSHINO's observations.

18          Q   Witness, have you any doubt but that that  
19 record is in all material respects accurate?  
20

21          A   From the standpoint of interpreter, I have  
22 no reason to doubt it.

23          BRIGADIER QUILLIAM: Thank you.

24          THE PRESIDENT: Mr. Williams.  
25



## REDIRECT EXAMINATION

1  
2 BY MR. G. WILLIAMS:

3 Q Mr. Millard, you stated that from the stand-  
4 point of interpreter you have no reason to doubt the  
5 accuracy of that record.

6 A I say accurate within the terms with which  
7 we are approaching this. That is, we admit that it,  
8 many times, was a gist rather than a verbatim report,  
9 and to that extent it is accurate.

10 Q And you say that the condensation was fair  
11 for your purposes, is that correct?

12 A Yes.

13 MR. G. WILLIAMS: I have no further ques-  
14 tions. I ask the witness be released.

15 THE PRESIDENT: He is excused on the usual  
16 terms.

17 (Whereupon, the witness was ex-  
18 cused.)

19 MR. G. WILLIAMS: Now, may it please the Tri-  
20 bunal, on the basis of the evidence which has been  
21 received, first as to the fact that these statements  
22 were elicited from the accused for an entirely differ-  
23 ent purpose than that of prosecution and that he was  
24 led to believe that they were not to be used against  
25 him for war crimes prosecution purposes, thereby

rendering their use in this trial unfair; second,  
1 that the document is not a verbatim transcript of  
2 the answers of the accused to the questions asked  
3 him but is, instead, in many cases the words of the  
4 interpreter and the condensation of the accused's  
5 answers; third, the fact that the accused was not  
6 given the transcript to look over despite the fact  
7 that he had attempted to make corrections; for these  
8 reasons we herewith move that exhibit No. 454A, com-  
9 posed of excerpts of Strategic Bombing Survey inter-  
10 rogations of the accused HOSHINO and all matters  
11 pertaining thereto be struck from evidence and dis-  
12 regarded by the Tribunal.

13 To the best of my knowledge, and I think the  
14 prosecution will bear me out in this statement,  
15 HOSHINO is the only one of the accused whose interro-  
16 gation by the Strategic Bombing Survey was introduced  
17 against him. I am prepared, and I should like, to  
18 make further arguments on these points if the Tri-  
19 bunal will hear me.

20 THE PRESIDENT: Well, under the British  
21 system the police interrogating suspects are to warn  
22 them that anything they say may be used in evidence,  
23 and, if that isn't done, the jury are warned against  
24 convicting. But this isn't the British system. This  
25



1 is an international system. Of course, these inter-  
2 rogators were not police, as far as we know; they  
3 were interrogating for a different purpose. But,  
4 apparently, they did give some kind of assurance  
5 that the evidence would not be used here, and the  
6 question arises as sharply in the one case as in the  
7 other, but it is a matter for the whole Tribunal.

8 R. G. WILLIAMS: I should like to make this  
9 argument briefly, if I may, your Honor. It is not  
10 long.

11 Language Section, I am now referring to  
12 argument marked "1."

13 On the first point of what is, we submit, an  
14 unfair use of these interrogatories, we do not deem  
15 it necessary to dwell at length. Suffice it to say that  
16 what eventually resulted in being a misleading assur-  
17 ance was given to the accused. Despite the fact that  
18 this evidence does not spell out an exact and specific  
19 promise in so many words, there is, nevertheless, an  
20 implied promise to that effect, more particularly so  
21 when viewed in the light that what we have here is a  
22 case of a Japanese being questioned, two and one-half  
23 months after the surrender, by military and other re-  
24 presentatives of one of the victorious powers, with  
25 all the other factors necessarily present in such cir-

1 cumstances.

2 On the esecond point, we submit that it is  
3 fundamental that the answers to the interrogatories  
4 of an accused when placed before a court in any form  
5 must be accurate and complete, just as he made them,  
6 and in the words which he himself used. This is par-  
7 ticularly true when he has been questioned directly  
8 along the lines for which he is later prosecuted.  
9 This is not like the case of the interrogation of the  
10 accused by the prosecution where the interpreters and  
11 stenographers were sworn and the transcripts appear  
12 to be verbatim. Here, besides the use of excerpts,  
13 we have the additional factor lending to unreliability  
14 of a condensation of many of the accused's answers  
15 and in the words of the interpreter, not to mention the  
16 fact that the misleading assurance also lends to un-  
17 reliability.

18 These points are given more weight because  
19 of the fact that the accused did not have an opportu-  
20 nity to read the transcript although he tried to make  
21 corrections.

22 For these reasons we submit that the use of  
23 these interrogatories for the purposes of this Tribunal  
24 is both unreliable and unfair, and they should, there-  
25 fore, be struck from evidence.



1 THE PRESIDENT: Brigadier Quilliam.

2 BRIGADIER QUILLIAM: May it please the Tri-  
3 bunal, I wish to make it quite clear at the outset  
4 that if the Tribunal considers that there would be  
5 any possibility of unfairness toward the accused in  
6 using these interrogations the prosecution certainly  
7 will not attempt to press for their use. May I be  
8 permitted to say that these interrogations were  
9 handed to the prosecution without any restriction  
10 on their use or without any intimation that any  
11 undertaking had been given in respect of them. The  
12 prosecution, as the Tribunal will no doubt readily  
13 realize, has been given great concern since these  
14 affidavits were served in order to decide what would  
15 be the proper procedure to adopt. It was decided  
16 that we had a duty to all concerned to question the  
17 witnesses and find out as clearly and as precisely  
18 as we could find out just what happened. Under the  
19 circumstances, we feel that it would probably be  
20 better if we did not argue the matter unless, of  
21 course, the Tribunal wishes us to do so. There has  
22 now been placed before the Tribunal all the informa-  
23 tion that we have on the matter, and we would be  
24 quite happy to let the Tribunal decide as the matter  
25 stands at present.

1 THE PRESIDENT: The Court will consider the  
2 matter. Mr. Williams.

3 MR. G. WILLIAMS: We shall leave that matter  
4 and go on to the next evidence, calling as our next  
5 witness, ISHIWATA, Sotaro.

6 - - -

7 S O T A R O I S H I W A T A, recalled as a witness  
8 on behalf of the defense, having been previously  
9 sworn, testified through Japanese interpreters  
10 as follows:

11 DIRECT EXAMINATION

12 BY MR. G. WILLIAMS:

13 Q Witness, will you tell the Tribunal your  
14 name and address, please.

15 A Name, ISHIWATA, Sotaro; address, 455 Seijo-  
16 machi, Setagaya-ku, Tokyo.

17 MR. G. WILLIAMS: May the witness be handed  
18 defense document No. 2521, please?

19 (Whereupon, a document was handed  
20 to the witness.)

21 Q Would you examine that document and state  
22 whether or not it is your affidavit?

23 A This is my affidavit.

24 Q Are the contents therein true and correct?

25 A They are true and correct.



1 MR. G. WILLIAMS: We offer in evidence de-  
2 fense document No. 2521, the affidavit of the witness  
3 ISHIWARA.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Defense document 2521  
6 will receive exhibit No. 3209.

7 (Whereupon, the document above  
8 referred to was marked defense exhibit  
9 No. 3209 and received in evidence.)  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 MR. G. WILLIAMS: I shall read the affidavit,  
2 omitting the formal parts on page 1 and the top of  
3 page 2:

4 "Mr. HOSHINO was a junior student at the  
5 Tokyo Imperial University one year behind me. After  
6 he entered the Finance Ministry, he was my colleague  
7 in the Revenue Bureau of the Ministry as well as in  
8 the Osaka Revenue Inspection Bureau for many years.  
9 I was particularly intimate with him so that even  
10 on his personal affairs he asked my advice without  
11 reserve.

12 "In June, 1932, the Manchurian government  
13 asked the Finance Ministry to send the former a person  
14 appropriate to assist its Department of Finance in the  
15 execution of its affairs. Finance Minister TAKAHASHI  
16 thought it imperative that a man of excellent ability  
17 should by all means be sent. So after consulting  
18 Mr. KURODA, Hideo, Vice-Minister of Finance and  
19 Mr. ONO, Ryuta, Chief of the Private Secretariat  
20 Section, he selected Mr. HOSHINO. Hence it may be  
21 said that the nomination of Mr. HOSHINO was originated  
22 from the intention of the Finance Ministry authorities.  
23 Mr. HOSHINO, when approached by Mr. ONO in this regard  
24 however, strongly rejected this offer because of the  
25 illness of his father (HOSHINO, Kota, a well-known



Christian minister in Japan) and of some other family  
1 circumstances. In accordance with the request of  
2 Chief ONO of the Private Secretariat Section to urge  
3 Mr. HOSHINO to accept his new post, I called at Mr.  
4 HOSHINO's residence and, having an interview with some  
5 members of his family as well as him, I persuaded him  
6 to take the government offer. At last Mr. HOSHINO  
7 made up his mind to accept the offer. In July he  
8 resigned his post in the Finance Ministry, and went  
9 over to Manchukuo to enter the civil service of the  
10 Manchukuo government.

11 "Through my official negotiations with  
12 Mr. HOSHINO, which were carried on in the Finance  
13 Ministry and according to my experience during my trip  
14 to Manchukuo, I knew that Mr. HOSHINO, after taking  
15 his post in the Manchukuo government, had wholehearted-  
16 ly exerted himself to promote the welfare of the people  
17 of Manchukuo. As far as I can remember, whenever he  
18 regarded any Japanese policy toward Manchukuo as  
19 adverse to the interests of the people of Manchukuo,  
20 he did everything in his power to prevent it from being  
21 carried out. At one time he persistently insisted  
22 that, in the interests of the people of Manchukuo,  
23 Japan relinquish special rights and interests she had  
24 enjoyed so far. In order to realize his projected  
25

1 plan, he frequently visited the Finance Ministry, pre-  
2 senting many a demand to it. In 1935, for example, he  
3 sharply criticized controversial issues, such as the  
4 raising of tariffs on agricultural products of  
5 Manchukuo and the prohibition of the importation of  
6 apples produced in Manchukuo, and urged the Finance  
7 Ministry to bring the issues to a conclusion as it  
8 saw fit. In addition, he stressed the necessity of  
9 relinquishing extraterritorial rights and the executive  
10 powers vested in the railway zone authorities. At one  
11 time he visited the Finance Ministry and insisted that,  
12 in the event of the relinquishment of these, the  
13 Japanese installations be transferred to Manchukuo at  
14 prices as cheap as possible and especially public  
15 facilities be transferred without compensation. Such  
16 an attitude as his led some persons to criticize him  
17 as laying too much stress on the interests of Manchukuo  
18 at the expense of those of Japan.

19 "I do not know well the circumstances under  
20 which Mr. HOSHINO took part in the Second KONOYE Cabinet.  
21 However, immediately after the general resignation of  
22 the YONAI Cabinet took place, Prince KONOYE rang me up,  
23 asking for my opinion as to the advisability of appoint-  
24 ing Mr. HOSHINO as Director of the Cabinet Planning  
25 Board. In reply to it, I said that I considered him



1 to be fit for the post in view of his practical experi-  
2 ence in that line of business."

3 You may cross-examine.

4 THE PRESIDENT: Brigadier Quilliam.

5 MR. QUILLIAM: May it please the Tribunal,  
6 there will be no cross-examination.

7 MR. G. WILLIAMS: We ask that the witness be  
8 released on the usual terms.

9 THE PRESIDENT: He is released accordingly.

10 (Whereupon, the witness was excused.)

11 MR. G. WILLIAMS: We call as our next witness  
12 MATSUKI, Tamotsu.

13

14

15

16

17

18

19

20

21

22

23

24

25

1 T A M O T S U M A T S U K I, recalled as a  
2 witness on behalf of the defense, having been  
3 previously sworn, testified through Japanese  
4 interpreters as follows:

5 THE PRESIDENT: You are still on your former  
6 oath.

7 DIRECT EXAMINATION

8 BY MR. G. WILLIAMS:

9 Q Witness, will you tell the Tribunal your  
10 name and address, please?

11 A My name is MATSUKI, Tamotsu; my address:  
12 No. 1731 4-chome, Fukasawa-cho, Setagaya Ward, Tokyo.

13 MR. G. WILLIAMS: May the witness be shown  
14 defense document No. 2526?

15 Q Will you examine that document and state  
16 whether or not it is your affidavit?

17 A This is my affidavit.

18 Q Are the contents thereof true and correct?

19 A They are correct.

20 MR. G. WILLIAMS: We offer in evidence defense  
21 document No. 2526, the affidavit of the witness  
22 MATSUKI.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 2526  
25 will receive exhibit No. 3210.



1 (Whereupon, the document above  
2 referred to was marked defense exhibit  
3 No. 3210 and received in evidence.)

4 MR. G. WILLIAMS: Omitting the formal parts  
5 I read the affidavit beginning at the top of page 2:

6 "As shown in my public career described  
7 above, I attended the business of the General Affairs  
8 Board as, alternately, the Chief of the Secretariat,  
9 the Chief of the Legislative and the Vice-Chief of  
10 the General Affairs Board, directly under HOSHINO,  
11 Naoki, the Chief of the General Affairs Board.

12 "(1) The Chief of the General Affairs  
13 Board in Manchukuo is the one who renders assistance  
14 to the premier and who exercises general control over  
15 the business of the General Affairs Board which comes  
16 under the premier's direct superintendence. He is,  
17 therefore, not competent to decide state affairs.  
18 Even the decision of routine matters of the General  
19 Affairs Board, with the exception of trifling ones  
20 entrusted in him only by the law such as the appoint-  
21 ment and dismissal, reward and punishment of those  
22 below the clerical staff of the Board, was made by  
23 the premier himself and not at the discretion of the  
24 chief of the General Affairs Board.

25 "(2) At the end of 1936 Chief of the

1 General Affairs Board ODATE resigned his post and  
2 Mr. HOSHINO was appointed to the post as his succes-  
3 sor. The reasons why he assumed that post were as  
4 follows:

5 "Firstly, as about five years had passed  
6 since Manchukuo was founded, it was deemed suitable  
7 to appoint some one to the post of Chief of the  
8 General Affairs Board from those who were in actual  
9 service in Manchukuo rather than the usual out-of-date  
10 practice of selecting a person from Japanese officials  
11 from Japan.

12 "Secondly, Manchukuo had passed into the  
13 period of economic construction from that of 'peace  
14 first' and became in need of an able financier and  
15 economist who should take the lead of the Board and  
16 render assistance to the premier. It was, therefore,  
17 in the light of the need mentioned above that Mr.  
18 HOSHINO who, of all the government officials in  
19 Manchukuo, had been connected with the state finance  
20 and economy, was newly appointed Chief of the General  
21 Affairs Board on the recommendation of his predecessor  
22 and the premier.

23 "(3) All the preceding chiefs of the General  
24 Affairs Board had duly observed the limits of their  
25 office, and Chief of the General Affairs Board HOSHINO



1 especially attended to his business, in obedience  
2 to Premier Chao's direction and decision, rigidly  
3 within the limits of his duty. It was a matter of  
4 course that, as far as I knew, he had never decided  
5 anything on behalf of the premier.

6           "(4) Under Chief HOSHINO, two assistant'  
7 chiefs, one Japanese and the other Manchurian,  
8 jointly took charge of the affairs. For important  
9 items of state affairs, however, Mr. HOSHINO used  
10 to call up two assistant chiefs, namely myself and  
11 Mr. Ku Tzu-hsiang, the Manchurian assistant chief,  
12 and to deliberate on the matter for decision. There  
13 were no important matters that were decided without  
14 consultation with the Manchurian assistant chief.

15           "(5) Chief HOSHINO had due regard for the  
16 opinions of Manchurians, especially those of youth-  
17 ful Manchurian officials, and he was ever mindful  
18 of the promotion of superior Manchurian officials.  
19 Accordingly, important posts at the General Affairs  
20 Board such as the Private Secretary of the Chief of  
21 the Board, the Assistant Chief of the Board, the Chief  
22 of the Bureau of Statistics, the Chief of the General  
23 Affairs Section of the Secretariat, etc. which had  
24 hitherto been occupied by the Japanese officials were  
25 replaced by the Manchurian officials in rapid

1 succession. He held Manchurians in such regard  
2 that the accusation that the Chief HOSHINO over-  
3 valued the intentions of Manchurians was voiced in  
4 some Japanese quarters.

5 "(6) With regard to the salaries for  
6 officials of the Sennin and Inin Ranks (similar to  
7 the Japanese Sonin and Hannin Ranks, respectively),  
8 there had hitherto been some discrimination between  
9 the Japanese and the Manchurians. This was due to  
10 an allowance, the sum equivalent to between 40 to 80  
11 percent of salaries, which had been additionally paid  
12 to the Japanese officials. This was because of the  
13 high cost of living of Japanese compared with Man-  
14 churians, as there was a difference between them in  
15 their ways of living. In 1938, Chief HOSHINO removed  
16 this discrimination and gave equal treatment to both  
17 Japanese and Manchurians.

18 "(7) As a matter of course, there never was  
19 a case in which the Kwantung Army dictated to the  
20 General Affairs Board, although the wishes of the  
21 Army were laid before the Board sometimes. On such  
22 occasions Chief HOSHINO took the necessary measures  
23 under the direction of the respective authorities  
24 after consulting with the government organs concerned  
25 as well as the Prime Minister. Even the wishes of the



1 Kwantung Army laid before the Board, if they were  
2 considered not to be appropriate, were not followed.  
3 For instance, when the renovation of the administra-  
4 tive organization was effected in June, 1937, and the  
5 Department of Public Peace was formed amalgamating  
6 the Department of Military Affairs and the Bureau of  
7 Police Affairs in the Department of People's Welfare,  
8 a proposal was submitted by the Kwantung Army to have  
9 a man from the military ranks appointed as vice min-  
10 ister of the new department. Against this, Chief  
11 HOSHINO first consulted us and recommended Mr. SUSUKIDA,  
12 Yoshitomo of the civil officials as the candidate,  
13 disregarding the desire of the Kwantung Army. Eventu-  
14 ally he was appointed as the vice minister.

15 "Notwithstanding the fact that Chief of  
16 General Affairs HOSHINO not only was all the time  
17 paying attention to the stabilization of the national  
18 life of the Manchurian people but also to elevating  
19 their economic life, he was always concerned about  
20 their afflictions and so assumed a cautious attitude,  
21 for commodities gradually became more scarce and  
22 consequently economic control stricter, by degrees,  
23 as a result of the European war and subsequent to the  
24 outbreak of the Sino-Japanese Incident, half a year  
25 after assuming his office. Such being the case, he

1 was usually making efforts to negotiate with the  
2 Japanese government and others, so that Manchukuo  
3 might sell the food, as well as other goods that  
4 were exported from her, as dearly as possible on  
5 the one hand, while on the other she might as profit-  
6 ably and abundantly as possible purchase the neces-  
7 saries of life and other commodities that were im-  
8 ported into the country. Furthermore, there were  
9 instances such as in the case of salt, the most neces-  
10 sary food ingredient for the populace, where the  
11 government even reduced prices and distributed it  
12 to the people, although other prices were going up  
13 step by step.

14 "(Signed) MATSUKI, Tamotsu."

15 You may cross-examine.

16 THE PRESIDENT: Brigadier Quilliam.

17 BRIGADIER QUILLIAM: May it please the  
18 Tribunal, we do not desire to cross-examine.

19 MR. G. WILLIAMS: We ask that the witness  
20 be released on the usual terms.

21 THE PRESIDENT: He is released accordingly.

22 (Whereupon, the witness was excused.)

23 THE PRESIDENT: We will recess now for  
24 fifteen minutes.

25 (Whereupon, at 1445, a recess was



1 taken until 1510, after which the proceed-  
2 ings were resumed as follows:)  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

D  
u  
d  
a  
&  
S  
p  
r  
a  
t  
t

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Williams, the Tribunal  
4 by a majority dismisses your motion.

5 MR. G. WILLIAMS: If the Tribunal pleases,  
6 Dr. KANZAKI, I believe, wishes to take up some matter  
7 briefly.

8 THE PRESIDENT: Major Moore.

9 LANGUAGE ARBITER (Major Moore): If the  
10 Tribunal please, Dr. KANZAKI is ready at this time to  
11 read the corrected copy of exhibit 2303.

12 THE PRESIDENT: 3202.

13 Dr. KANZAKI.

14 MR. KANZAKI: The revised affidavit of NODA,  
15 Kengo, exhibit 3202, has arrived, but upon consultation  
16 with the prosecution we ask the Tribunal's permission  
17 to read this affidavit together with the certificate  
18 covering the letter from Prince KANIN, Chief of General  
19 Staff, mentioned in the testimony of the witness  
20 SAWADA, as well as the revised affidavit of the witness  
21 TANAKA on Friday morning.

22 The witness NODA is now waiting in the wit-  
23 ness room. I ask for the Tribunal's direction as to  
24 whether the affidavit of the witness NODA, Kengo should  
25 be read now or whether we should wait until Friday so



1 that we may lump them all together.

2 THE PRESIDENT: You have given no reason  
3 for not reading it now.

4 MR. KANZAKI: Your Honor, we have no preference  
5 in the matter. We are quite ready to proceed now with  
6 the reading or to wait until Friday, whichever suits  
7 the convenience of the Tribunal.

8 THE PRESIDENT: We want all these matters to  
9 be dealt with together; but is not that possible now?

10 MR. KANZAKI: At the present moment we are  
11 only prepared to read the affidavit of NODA, Kengo.

12 THE PRESIDENT: Well, reluctantly, we adjourn  
13 the matter until Friday, the completion of this particu-  
14 lar part until Friday. We expect you to deal with all  
15 those outstanding matters in the HATA case on Friday  
16 morning.

17 MR. KANZAKI; Thank you, your Honor.

18 THE PRESIDENT: Mr. Williams.

19 MR. G. WILLIAMS: If the Tribunal please, we  
20 call as our next witness TAKAKURA, Tadashi.  
21

22 - - -

23  
24  
25

1 T A D . S H I T A K A K U R A, called as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. G. WILLIAMS:

6 Q Witness, will you state to the Tribunal your  
7 name and residence.

8 A My name, TAKAKURA, Tadashi; my address,  
9 No. 57, Otsukanakacho, Koishikawa, Bunkyo, Tokyo;  
10 my age, 45.

11 MR. G. WILLIAMS: May the witness be shown  
12 defense document No. 2527.

13 Q I ask you to examine that document and state  
14 whether or not that is your affidavit.

15 A This is my affidavit.

16 Q Are the contents thereof true and correct?

17 A They are true and correct.

18 MR. G. WILLIAMS: We offer in evidence  
19 defense document 2527, the affidavit of the witness  
20 TAKAKURA.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 2527  
23 will receive exhibit No. 3211.

24 (Whereupon, the document above re-  
25 ferred to was marked defense exhibit No. 3211



1 and received in evidence.)

2 MR. G. WILLIAMS: I shall read the affidavit,  
3 omitting the first long paragraph.

4 "A. The Manchoukuoan Government, in the 4th  
5 year of Kangte, namely on October 12, 1937, decided on  
6 the so-called 10-year program of opium prohibition.  
7 I, at that time as Councillor of the Planning Board,  
8 assumed responsibility for drafting the said program,  
9 together with my colleague, Yung Shan-Chi.

10 "The Manchoukuoan Government from the early  
11 period after its founding had been earnestly planning  
12 for eradication of the evil custom of smoking or eat-  
13 ing opium, and, as a means first established a monop-  
14 oly system for opium and administered the production,  
15 delivery and consumption of opium, thus adopting a  
16 policy for a decisive curtailment of opium consumption.

17 "Mr. HOSHINO, in the 3rd year of Kangte,  
18 namely, in December 1936, was transferred from his  
19 position of Vice-Chief of the Financial Department to  
20 Chief of the General Affairs Board. At that time the  
21 opium monopoly was already gaining impetus and was  
22 efficiently enforced. Mr. HOSHINO, however, as soon  
23 as he was made Chief of the General Affairs Board,  
24 called together many representative and serious  
25 Manchurian-born, young officials belonging to various

1 departments and had them conduct free discussions  
2 relating to the problem of the opium policy. This  
3 discussion was continued in earnest for several months  
4 and its conclusion was that Manchoukuo had already  
5 reached a mature time to enforce a positive prohibi-  
6 tion policy. Most of the said young officials  
7 agreed that various necessary measures should be  
8 courageously taken as rapidly as possible for the  
9 drastic eradication of opium addicts. The free dis-  
10 cussion by these native-born young officials created  
11 a considerably great sensation at that time in Man-  
12 churia and attracted the attention of the general  
13 public. In fact, among the Japanese-born officials  
14 there was a loud voice criticising Mr. HOSHINO's  
15 attitude as currying favour with native-born officials.  
16 Mr. HOSHINO, however, as soon as the report on the  
17 conclusion reached by these Manchurian-born officials  
18 was received, ordered us to map out, in collaboration  
19 with the various related departments, a program on  
20 the basis of the said report, to be enforced by the  
21 government. *but the goal was possible or not.*

22 "It is, however, not easy to eliminate  
23 completely the number of those poisoned by opium,  
24 who were estimated at more than 1,000,000 at the  
25 beginning of the national establishment of Manchukuo,



1 under very adverse conditions. It was the conclusion  
2 of the study of the persons in charge of practical  
3 opium work that even if every strong measure was  
4 taken, under these adverse conditions it would take  
5 as long as 20 years. Meanwhile, most of the prominent  
6 people and notables were expressing outwardly their  
7 approval of the prohibition policy, but they were  
8 secretly expressing their opposition against the  
9 drastic method, alleging that it was impossible.  
10 Then I informed Mr. HOSHINO of these matters and told  
11 him that it would take 20 years to achieve complete  
12 prohibition. Mr. HOSHINO tenaciously insisted upon  
13 the 10-year plan, and said that where there is a will  
14 there is a way, and the fruits could not be borne un-  
15 less we endeavored to achieve the high objective. He  
16 admonished me that when the Manchurian youths were  
17 about to march on towards the ideal with fervor, the  
18 Japanese party should rejoice over the sincere enthus-  
19 iasm of the Manchurian party and do our utmost in  
20 aiding them, rather than to worry ourselves in antici-  
21 pation whether the goal was possible or not.

22 "Furthermore, Mr. HOSHINO said to the persons  
23 in the accounting section as follows: 'If the opium  
24 monopoly profit is appropriated as a source of revenue  
25 of the general annual expenditures, prohibition will

1 become difficult from the financial aspect. If it is  
2 used for the expenses of the prohibition policy,  
3 finances will not be affected even if the prohibition  
4 is carried out. At this time, therefore, make them  
5 carry out the necessary means for prohibition without  
6 stinting the expense. Don't worry about the decrease  
7 in the revenue due to the prohibition. There is no  
8 necessity that the opium revenue be used for the  
9 general expenses.'



1           "Thus, the draft, which I and Yung Shan-Chi  
2 wrote, based on the assertion of the Manchurian youth  
3 bureaucrats, came to be decided at last by the cabinet  
4 meeting, through the conferences and negotiations with  
5 each department concerned. This plan was put into  
6 effect in and after January, 1938. The central force  
7 that propelled this project during these periods was  
8 in fact nobody but Mr. HOSHINO and a group of Man-  
9 churian youth bureaucrats. Although the decision on  
10 this prohibition policy, including a drastic article  
11 that those governmental and public officials as well  
12 as the members of the special companies who did not  
13 refrain from opium smoking within a fixed period be  
14 dismissed, was a great menace to them, in which most  
15 of the high ranks were included, it was realized. The  
16 prudent persons among them were willing to take leave  
17 and undergo the treatment, one after another. Thus,  
18 the improvement at the beginning among the leading  
19 class was effected to a remarkable extent.

20           "At the same time, the government gave special  
21 consideration to regional prohibition in towns and  
22 cities. In towns and cities they made special efforts  
23 at registration, controlled relief, propaganda, etc.,  
24 and the results in this field were also rapidly  
25 improved.

1 "Thus, the number of the registered opium  
2 addicts immediately before the end of war was reduced  
3 to something over 200,000.

4 "To cite an instance, you could hardly see  
5 an addict in Hsinking in 1944, so much so that all  
6 the sanitoriums there turned into lodging-houses for  
7 laborers.

8 "Mr. HOSHINO, at the outset of the foundation  
9 of Manchukuo, devoted himself to as well as contributed  
10 much towards the unification of the monetary system,  
11 the rationalization and establishment of both finance  
12 and economy and the abolition of extraterritoriality  
13 during the period from 1936 to 1937.

14 "In spite of the fact that prior to and after  
15 the establishment of Manchukuo, both the system and  
16 organization of her finance were at the extremity of  
17 chaos, Mr. HOSHINO, who came from Japan in the capacity  
18 of Chief of General Affairs of the Finance Department,  
19 succeeded in reforming them on short notice by means  
20 of his timely guidance and encouragement for his  
21 colleagues and men.

22 "Though unification of the monetary system  
23 had been regarded as particularly difficult, yet his  
24 strenuous efforts and enthusiasm led to success and  
25 monetary stability in August, 1935, less than three



years after the foundation of the state.

1 "The basis of the general economic development  
2 of Manchuria being formed by this, remarkable effects  
3 were brought about upon the stabilization and elevation  
4 of the living of the Manchurian people at large and  
5 the prosperity of the personal economy.

6 "Before that time Manchurian finances were  
7 extremely disordered, utterly lacking in fairness, with  
8 a most primitive financial system. The people at large  
9 were groaning under the burden of extremely heavy taxes.  
10 As an effective remedy for it, first the taxation system  
11 was reformed, aiming at the reduction of taxes of the  
12 people and the fairest taxation. The accounting system  
13 and financial organization were made up-to-date as well  
14 as fair and just, with the result that Manchukuo took  
15 her first step to present the appearance of a modern  
16 state and to have the substance as well. This was also  
17 generally attributed to Mr. HOSHINO's great enthusiasm  
18 and continuous efforts.

19 "As to the abolition of extraterritoriality  
20 in Manchukuo, Mr. HOSHINO harbored a most positive  
21 view. On this matter of abrogation of our extra-  
22 territoriality in Manchukuo, Japan did not necessarily  
23 agree with Manchukuo about the time and method of its  
24 execution. Especially, most Japanese residents in  
25

1 Manchukuo who had much concern in the matter expressed  
2 the opinion that the time was still immature, which,  
3 reflecting upon the Japanese at home, gave rise in some  
4 circles of the governmental authorities to a view that  
5 they should take a cautious attitude toward it. However,  
6 Mr. HOSHINO, Chief of the General Affairs Section of  
7 the Finance Department at the time (later he became  
8 Vice-Chief of the Finance Department) strongly advo-  
9 cated the prompt abrogation of extraterritoriality with  
10 a view to the sound development of Manchukuo and the  
11 impartial sharing of responsibility by the peoples of  
12 both Japan and Manchukuo, and he made efforts in  
13 persuading and negotiating with the authorities con-  
14 cerned. As a consequence, 'The Treaty Concerning the  
15 Residence of the Japanese Nationals in Manchukuo and  
16 the Taxes in Manchukuo,' was first of all concluded in  
17 July 1936 (Kotoku 3). This treaty was of such a nature  
18 as to greatly increase the imposition of taxes upon  
19 the Japanese residents. Moreover, as I have said before,  
20 there existed much opposition and the argument for  
21 the prematureness of time for this procedure among the  
22 Japanese people on the spot. However, it was highly  
23 attributable to Mr. HOSHINO's sincere and zealous  
24 efforts that, despite such circumstances, the extra-  
25 territoriality was abolished upon the understanding



1 which was brought about by his persuasion of the dis-  
2 contented Japanese residents.

3 "Then Mr. HOSHINO took office as Director  
4 of the General Affairs Office. He exerted more  
5 strenuous efforts than ever to realize a complete abro-  
6 gation of extraterritoriality and a complete transfer  
7 of the executive powers vested in the South Manchurian  
8 Railway Zone Authorities. Even so far as these issues  
9 were concerned, he had many difficulties to encounter.  
10 Particularly as to the abrogation of judiciary powers,  
11 many people in Japan held that it was still premature  
12 on the ground that the various systems and the executive  
13 and criminal facilities of Manchukuo were not completed  
14 as yet. While Mr. HOSHINO went to Japan and conferred  
15 with and negotiated with high government officials in  
16 order to overcome these difficulties, he took every  
17 occasion to persuade Japanese authorities on the spot  
18 to agree to his projected plan. There were cases where  
19 various authorities in charge of general affairs were  
20 deadlocked in their negotiations because of their  
21 division of opinion. On every such occasion, Mr. HOSHINO  
22 passed his own judgment on any matter from a broad  
23 point of view for the purpose of bringing negotiations  
24 to a satisfactory conclusion.  
25

"Thus, 'The Treaty Concerning the Abrogation

1 of Extraterritoriality in Manchukuo and the Transfer  
2 of the Executive Powers Vested in the South Manchurian  
3 Railway Company Zone Authorities' was put into effect  
4 as of December 1 of the same year. At that time, there  
5 arose a question as to whether the treaty should be  
6 put into effect as of December 1; some officials of  
7 the Manchukuo Government suggested that it be enforced  
8 rather as of January 1 of the following year in view  
9 of the necessity of making preparations for the enforce-  
10 ment of the treaty and the like. As far as I can  
11 remember, Mr. HOSHINO, opining that it had better be  
12 enforced as soon as possible, decided on the date of  
13 enforcement as of December 1.

14 "The abrogation of extraterritoriality resulted  
15 in abolishing the long-standing discriminative treatment  
16 between the Japanese and the Manchurian and in con-  
17 tributing greatly to the economic development of Man-  
18 chukuo, not to mention the favorable psychological  
19 effect it had upon the Manchurians."

20 Signed, "TAKAKURA, Tadashi."

21 You may cross-examine.

22 THE PRESIDENT: Brigadier Quilliam.

23 BRIGADIER QUILLIAM: May it please the  
24 Tribunal, we do not wish to cross-examine.

25 MR. G. WILLIAMS: May the witness be



released on the usual terms?

THE PRESIDENT: He is released accordingly.

(Whereupon, the witness was excused.)

THE PRESIDENT: Admitted on the usual terms.

CLOCK OF THE COURT: Volume I of the Inter-  
rogation of HOSHINO will receive exhibit No. 3212 for  
identification only. The excerpt therefrom, being  
defense document 606-A-1, will receive exhibit No.  
3212-A.

(Whereupon, the document above referred  
to was marked defense exhibit No. 3212 for  
identification; the excerpt therefrom being  
marked defense exhibit No. 3212-A and received  
in evidence.)

MR. C. WILLIAMS: I shall read the first page  
and three-fourths of this document down to "3 February  
1944"

"INTERROGATION OF HOSHINO - EXCERPTS"

"28 January 1946, page 12

"Q. What was the question about the extra-  
territorial rights that you referred to back a little  
while ago?

"A. This extraterritorial right was adopted  
by almost all nations at one time, including the  
Japanese. Following the influx of Japanese colonies

L  
e  
f  
f  
e  
r  
&  
W  
o  
l  
f

1 MR. G. WILLIAMS: We now offer in evidence  
2 defense cument No. 606-A-1, a group of excerpts  
3 from the prosecution's interrogations of HOSHINO.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Volume I of the Inter--  
6 rogation of HOSHINO will receive exhibit No. 3212 for  
7 identification only. The excerpt therefrom, being  
8 defense document 606-A-1, will receive exhibit No.  
9 3212-A.

10 (Whereupon, the document above referred  
11 to was marked defense exhibit No. 3212 for  
12 identification; the excerpt therefrom being  
13 marked defense exhibit No. 3212-A and received  
14 in evidence.)

15 MR. G. WILLIAMS: I shall read the first page  
16 and three-fourths of this document down to "7 February  
17 1946":

18 "INTERROGATION of HOSHINO - EXCERPTS

19 "28 January 1946, page 12

20 "Q. What was the question about the extra-  
21 territorial rights that you referred to back a little  
22 while ago?

23 "A. This extraterritorial right was enjoyed  
24 by almost all nations at one time, including the  
25 Japanese. Following the influx of Japanese colonists



1 into Manchukuo it was realized that the freedom of  
2 taxation enjoyed by them would create inequality and an  
3 unfair state of affairs for the Chinese. And it was  
4 deemed necessary that this extraterritoriality should  
5 be abolished to equalize the situation. In the railway  
6 zone both Chinese and Japanese were not subject to  
7 taxation and this also was a situation that had to be  
8 remedied.

9 "Q. You conducted the negotiations with the  
10 head of the Army, General UEDA, yourself, did you?

11 "A. I was one of those who conferred with  
12 General UEDA.

13 "Q. And who were the others?

14 "A. Mr. OHASHI, Vice Foreign Minister, was  
15 another who conferred with General UEDA.

16 "Q. And you and the Vice Foreign Minister,  
17 Mr. OHASHI, suggested a plan for working this out, did  
18 you? If so, what was the plan?

19 "A. This was not exactly a plan, but a  
20 recommendation to be forwarded to the Japanese Government  
21 that steps be taken for the abolition of extraterritorial-  
22 ity in the railway zone.

23 "Q. What action did they take on that  
24 recommendation? That is the Japanese Government.

25 "A. Late in 1936 or early in 1937 as a result

1 of the Japan-Manchukuo Treaty, the desired result  
2 was obtained.

3 "Page 13

4 "Q. Was it necessary to take up with the  
5 head of the Kwantung Army all bond issues which were  
6 issued by Manchukuo? I am limiting it to this period  
7 of 1932 to 1936.

8 "A. It was not necessary to refer such matters  
9 to the Kwantung Army, but support was usually requested  
10 from this source.

11 "Q. Were there any cases that you remember  
12 over the period of 1932 to 1934 in which the Army, or  
13 the head of the Kwantung Army refused to give support?

14 "A. No. In 1935 bonds to the value of  
15 140,000,000 yen were issued for the purchase of the  
16 North Manchuria Railway from the Soviet Government, at  
17 which time I came to Japan several times in connection  
18 with the flotation of these bonds.

19 "Q. And did you get the approval of the  
20 Kwantung Army in that case, too?

21 "A. It was not necessary for me to obtain  
22 the approval of the Kwantung Army. Rather than approval,  
23 it was the moral support as stated previously.

24 "Q. Did the Bureau take any action towards  
25 interesting people in making investments in Manchukuo



1 during this period 1932 to 1936? I mean did they take  
2 any action towards interesting people in developing  
3 industry in Manchukuo?

4 "A. Great efforts were made to sell shares  
5 of newly established companies amongst the population  
6 in Manchukuo.

7 "Q. Was it your department so far as the  
8 Manchukuo government was concerned that had charge of  
9 that during the period 1932 to 1936?

10 "A. This department was mainly concerned in  
11 a sort of sales campaign to have these shares held by  
12 as many people as possible.

13 "31 January 1946, page 17" --

14 This question and answer has been taken from  
15 prosecution exhibit 453-A, page 12.

16 "Q. What was the reason that the Kwantung Army  
17 made any objection to the Zaibatsu making investments  
18 in Manchukuo?

19 "A. The army in general did not oppose the  
20 Zaibatsu but there existed such an atmosphere among  
21 the Kwantung officers. The Kwantung officers believed  
22 that since the Zaibatsu monopolized industry in Japan  
23 such should not happen to the industries in Manchukuo.  
24 Therefore, the opposition on the part of the army.

25 "Q. How did you feel about it, Mr. HOSHINO?

1 "A. Since I did not believe that the Zaibatsu  
2 monopolized industry in Japan I felt that anyone could  
3 go into Manchukuo and make investments in industry.

4 "Page 19

5 "Q. Did the Chinese Incident come as a  
6 surprise to you?

7 "A. It was a surprise to me.

8 "4 February 1946, page 3

9 "Q. Was General HONJO in Manchuria when you  
10 went there?

11 "A. Yes.

12 "Q. State what conversations you had with  
13 him about the Manchurian Incident in September 1931?

14 "A. I have never talked with General HONJO  
15 concerning the Manchurian Incident.

16 "Q. Did you ever talk with General ITAGAKI?

17 "A. I have never talked with General ITAGAKI  
18 concerning the Manchurian Incident."

19 That is all I will read from this document at  
20 present.

21 We call as our next witness MURAKAMI, Kyoichi.

22 - - -

23 CLERK OF THE COURT: Defenses document 2073

24 will receive exhibit No. 3213.

25 (Whereupon, the foregoing exhibits were referred

to the jury for their consideration.)



1 K Y O I C H I M U R A K A M I, called as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. G. WILLIAMS:

6 Q Witness, would you tell the Tribunal your  
7 name and address, please?

8 A My name is MURAKAMI, Kyoichi; my address 2546  
9 Kichijoji, Musashino-machi, Kita Tama-gun, Tokyo.

10 MR. G. WILLIAMS: May the witness be handed  
11 defense document No. 2073 (Revised)?

12 (Whereupon, a document was handed to  
13 the witness.)

14 Q Will you examine that document and state whether  
15 or not it is your affidavit?

16 A This is mine without a shadow of a doubt.

17 Q Are the contents thereof true and correct?

18 A They are truly true and correct.

19 MR. G. WILLIAMS: We offer in evidenc defense  
20 document No. 2073, the affidavit of the witness MURAKAMI.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 2073  
23 will receive exhibit No. 3213.

24 (Whereupon, the document above referred  
25 to was marked defense exhibit No. 3213 and received

1 in evidence.)

2 MR. G. WILLIAMS: I shall read the affidavit,  
3 omitting formal parts:

4 "1. Those who held the seats in the Privy  
5 Council were the President and Vice-President of the  
6 Privy Council, Privy Councillors, Prime Minister and  
7 State Ministers who were ministers of the respective  
8 ministries. Besides the above, the adult Imperial  
9 Princes of the Blood resident in Tokyo were also to  
10 attend meetings of the Council by Imperial order. The  
11 Princes, however, had never been present until I was  
12 relieved of office at the Privy Council, although they  
13 attended at the beginning when the institution of the  
14 Council was set up.

15 "A State Minister, aside from the Prime Minister  
16 or a minister of a department, that is to say, a ministe  
17 without portfolio, had no seat at the Privy Council.

18 "Assistants of the Prime Minister and ministers  
19 of the departments, officials of the Cabinet and the  
20 Ministries were allowed to attend the Privy Council in  
21 order to assist the ministers in answering questions in  
22 the meeting. Ministers without portfolio often attended  
23 as 'explainers' also. There was no limit to the number  
24 of 'explainers', so they numbered at times more than  
25 ten. The 'explainers' were, as occasion demanded, able



1 when called upon and with the approval of the President,  
2 to supplement the explanation of the minister in charge.  
3 In fact, there were many occasions on which the  
4 'explainers' spoke.

5 "2. The Investigation Committee of the Privy  
6 Council was composed of several members who were  
7 nominated by the President of the Privy Council from  
8 among the Vice President of the Council and the  
9 Councillors. It was their duty to deliberate over  
10 the bills entrusted to them and to report the result  
11 of their deliberations to the President. The Committee,  
12 at its meeting used to make inquiries of the cabinet and  
13 the ministers concerned about the matter under discussion  
14 and get their replies. And to the inquiries, the  
15 minister concerned, as a general rule, had to make  
16 his reply. On behalf of the minister, however, his  
17 subordinate officials frequently made replies. These  
18 assistant officials were all called 'explainers'.

19 "No shorthand whatever was used at the Privy  
20 Council. The record of proceedings was made in  
21 accordance with the provisions in the Privy Council  
22 Regulations for Privy Council Procedure but it was  
23 merely the record of minutes of the proceedings written  
24 by the senior secretaries and not the exact record of all  
25 utterances of all members who spoke.

1 "As for how to take notes of proceedings of  
2 the Investigation Committee meeting, there were no  
3 legal regulations in connection therewith, so that the  
4 gist of proceedings was recorded by the senior secretary  
5 for his keeping for reference. This practice was  
6 continued for a fairly long time; simply recording the  
7 subject, list of members present, summary of the  
8 proceedings, etc. In about 1921, however, there was a  
9 particularly diligent senior secretary and through his  
10 efforts, comparatively detailed notes of proceedings  
11 describing the gist of the utterance of each member  
12 came to be taken. But these were not the official  
13 records legally called for, so the records were some-  
14 times precise and sometimes not, according to the judg-  
15 ment of the secretary in charge or the circumstances  
16 relative to the occasion. Sometimes it occurred that  
17 only a part of an utterance had been taken down.

18 "In no notes of the proceedings mentioned above  
19 were there any which were shown to state ministers or  
20 'explainers' present for confirmation.

21 "/s/ MURAKAMI, Kyoichi"  
22  
23  
24  
25



1 I should like to ask one additional question.  
2 BY MR. G. WILLIAMS (Continued):

3 Q Mr. Witness, could an "explainer" vote at  
4 a Privy Council meeting?

5 A No, an "explainer" did not have the right  
6 to vote at a Privy Council meeting.

7 MR. G. WILLIAMS: You may cross-examine.

8 THE PRESIDENT: Brigadier Quilliam.

9 BRIGADIER QUILLIAM: May it please the  
10 Tribunal, we do not wish to cross-examine, but I  
11 would like to refer the Tribunal to the prosecution  
12 evidence relating to this matter, exhibit 552,  
13 transcript pages 6,354 and 5 and 6,365.

14 THE PRESIDENT: The witness is excused on  
15 the usual terms.

16 (Whereupon, the witness was  
17 excused.)

18  
19 MR. G. WILLIAMS: The defense calls as its  
20 next witness OBATA Tadayoshi.

21  
22  
23

24 THE PRESIDENT: Brigadier Quilliam.

25 BRIGADIER QUILLIAM: May it please the Tri-  
bunal, the prosecution object to the third paragraph

1 T A D A Y O S H I O B A T A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. G. WILLIAMS:

7 Q Would you tell the Tribunal your name and  
8 address, please?

9 A OBATA, Tadayoshi; my address is 42 Kitaya-  
10 macho, Tennogi-Ku, Osaka.

11 MR. G. WILLIAMS: I ask that the witness be  
12 handed defense document No. 2592.

13 (Whereupon, a document was handed  
14 to the witness.)

15 Q Will you examine that document and state  
16 whether or not it is your affidavit?

17 A This is definitely my affidavit.

18 Q Are the contents thereof true and correct?

19 A They are true and correct.

20 MR. G. WILLIAMS: We offer in evidence  
21 defense document No. 2592, the affidavit of the wit-  
22 ness OBATA.

23 THE PRESIDENT: Brigadier Quilliam.

24 BRIGADIER QUILLIAM: May it please the Tri-  
25 bunal, the prosecution object to the third paragraph



1 on page 2 of the affidavit and submit that that para-  
2 graph should be deleted. It is the paragraph which  
3 commences, "Concerning Mr. HOSHINO's relations with  
4 the Kwantung Army." In our submission that paragraph  
5 contains nothing except testimonials as to the charac-  
6 ter of HOSHINO and the officers of the Kwantung Army,  
7 together with the impressions and opinions concerning  
8 those people.

9 We submit that that statement can have no  
10 probative value and is of no assistance to the Tri-  
11 bunal.

12 THE PRESIDENT: Mr. Williams.

13 MR. G. WILLIAMS: If the Tribunal please,  
14 the relations of the accused HOSHINO with the Kwantung  
15 Army have been repeatedly raised by the prosecution in  
16 its case. This revolved around the issue of the con-  
17 spiracy and the exploitation charge, and HOSHINO was  
18 specifically asked a question by the prosecution in  
19 its interrogation of him on that point.

20 We do not believe that an objective perusal  
21 of that paragraph will disclose it as being a charac-  
22 ter reference but, rather, a rational explanation of  
23 an issue raised by the prosecution.

24 THE PRESIDENT: The Court sustains the objec-  
25 tion and admits the document without paragraph 3 on

the second page, on the usual terms.

1 CLERK OF THE COURT: Defense document 2592  
2 will receive exhibit No. 3214.

3 (Whereupon, the document above  
4 referred to was marked defense exhibit  
5 No. 3214 and received in evidence.)

6 MR. G. WILLIAMS: I read the affidavit:

7 "I, Tadayoshi OBATA, having first been duly  
8 sworn on oath as on attached sheet, and in accordance  
9 with the procedure followed in my country, hereby  
10 depose as follows:

11 "I reside at 42 Kitayamacho, Tennogi-Ku,  
12 Osaka."

13  
14 THE PRESIDENT: Do not depart from your  
15 practice of omitting formal parts like that.

16 MR. G. WILLIAMS: Very well, I will proceed.

17 THE PRESIDENT: It is always important to  
18 know who is talking, of course.

19 MR. G. WILLIAMS: That was the reason I had  
20 proposed to read it, your Honor.

21 THE PRESIDENT: Well, he was Vice President  
22 of the Planning Board but resigned in April '41.  
23 Read from there.

24 MR. G. WILLIAMS (Reading continued):

25 "In April, 1945, I was appointed Governor of



Aichi Prefecture. In June, 1945, I was appointed  
1 Governor General of the Tokai and Hokuriku District.

2 "During the period from 1932 to 1940 I had  
3 occasion to make a number of trips to Manchuria and to  
4 spend considerable time there in connection with  
5 business. At that time I often saw Mr. HOSHINO,  
6 Haoki, who was then in the Government of Manchukuo,  
7 first in the Finance Ministry and later as Chief of  
8 the General Affairs Board.

9 "In the first years in Manchukuo it was  
10 difficult for Japanese or other business men to do  
11 business there, but it became much easier after Mr.  
12 HOSHINO assumed the position of Chief of General  
13 Affairs Board. For one thing, some of the young  
14 officers and young officials in Manchukuo did not wel-  
15 come outside business men, particularly in the early  
16 days of the new state. Mr. HOSHINO tried to decrease  
17 this feeling, although this was a difficult thing to  
18 do. There was no discrimination between Japanese and  
19 other foreign businessmen in Manchuria. The same  
20 regulations applied to both.

21 "Mr. HOSHINO welcomed foreign capital which  
22 was sincerely interested in building up Manchuria and  
23 was not aiming only at speculative purposes. I had a  
24 plan to start an automobile industry there with a  
25

Japanese company and the General Motors Corporation from the United States. I suggested this and Mr. HOSHINO agreed with the idea. I told him American capital was necessary for Manchuria and he agreed with me. Later on Mr. AIKAWA came in to Manchukuo and set up the Manchurian Industrial Development Corporation. One of the inducements offered by Mr. AIKAWA was his ability to get in foreign capital, particularly American capital and technique. The Manchurian authorities, however, were strict in their requirement that any corporation coming in would have to be incorporated under the laws of Manchukuo, regardless of where the corporation came from. I know about this because I tried to set up a branch of Sumitomo there but could not do so, and had to establish a new company -- a Manchukuo corporation.

"It was Mr. HOSHINO's idea to develop all industry in the country, particularly agriculture, in order to lay a solid foundation for the country's economy and the people's welfare. He was interested in developing both light and heavy industry, especially the automotive industry, since Manchukuo was a vast country and had insufficient rail transportation. Trucks were particularly necessary for the agricultural development which he wanted to see take



place.

1           "Mr. HOSHINO was anxious for Manchukuo to  
2 grow as an independent state generally. The China  
3 Incident was a disappointment to him and he wanted  
4 it terminated as soon as possible. While he was  
5 Chief of the General Affairs Board, he told me there  
6 were too many Japanese officials in Manchukuo and  
7 that the native Manchurians should play a greater  
8 part in government and economic activities. He tried  
9 to reduce the number of Japanese officials. He said  
10 that if Manchukuo needed technical help, the Japanese  
11 should assist, provided they became Manchurian citi-  
12 zens and acted as such, not as Japanese."

13           THE PRESIDENT: You may continue the reading  
14 tomorrow morning.

15           We will adjourn now until half past nine  
16 tomorrow morning.

17           (Whereupon, at 1600, an adjourn-  
18 ment was taken until Wednesday, 24 September  
19 1947, at 0930.)  
20

21           - - -  
22  
23  
24  
25